

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 773  
Corrected Copy 4/11/11  
PROPOSED SENATE COMMITTEE SUBSTITUTE H773-PCS50410-TH-12

Short Title: Studies Act of 2011.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR STUDIES BY THE HOUSE OF REPRESENTATIVES AND  
3 THE SENATE, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS,  
4 AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. TITLE**

8 **SECTION 1.1.** This act shall be known as "The Studies Act of 2011."  
9

10 **PART II. LEGISLATIVE RESEARCH COMMISSION**

11 **SECTION 2.1.** The Legislative Research Commission may study the topics listed  
12 below. When applicable, the bill or resolution that originally proposed the issue or study and  
13 the name of the sponsor are listed. Unless otherwise specified, the listed bill or resolution refers  
14 to the measure introduced in the 2011 General Assembly. The Commission may consider the  
15 original bill or resolution in determining the nature, scope, and aspects of the study.

16 **SECTION 2.2.** Uranium Mining (S.J.R. 430 – D. Berger, Jones) – The  
17 Commission may study the impacts on North Carolina were the Virginia General Assembly to  
18 lift the state's current moratorium on uranium mining in Virginia. The Legislative Research  
19 Commission may specifically consider the impacts on the Roanoke River Basin. In its study,  
20 the Commission may consider all of the following:

- 21 (1) The potential impacts of a uranium mining operation in Virginia on North  
22 Carolina's economy, including whether any benefits would inure to North  
23 Carolina or would all benefits be confined to Virginia; whether any potential  
24 economic burdens would result for North Carolina's tourism industry, our  
25 other industries, and our property values; and whether any new industries or  
26 development would be reluctant to locate in North Carolina downstream and  
27 downwind of the proposed uranium mining site in Virginia.
- 28 (2) The potential impacts of a uranium mining operation in Virginia on North  
29 Carolina's environment: our drinking water supplies, our surface waters, our  
30 groundwater, and our air quality; especially the potential impacts of the  
31 uranium mill tailings and other radioactive material flooding into the



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1 Roanoke River system and polluting Kerr Lake, Lake Gaston, and the  
2 remainder of the lower Roanoke River Basin extending to Albemarle Sound.

3 (3) The potential impacts of a uranium mining operation in Virginia on North  
4 Carolina's agriculture activities, including farming, forestry, and aquaculture,  
5 and on its commercial fishing industry and on recreational fishing and  
6 hunting.

7 (4) The potential impacts of a uranium mining operation in Virginia on the  
8 health, safety, and well-being of North Carolina citizens, especially any  
9 health effects associated with the radioactive mill tailings that result from  
10 uranium mining.

11 (5) Any other issues the Commission considers relevant to this topic.

12 **SECTION 2.3.** State Leased Space (S.B. 612 – Daniel) – The Commission may  
13 study space leased by State agencies. Specifically, the Commission may examine at least the  
14 following:

15 (1) The amount, cost, and nature of space currently leased by State agencies.

16 (2) The procedure by which real property is leased by and allocated among State  
17 agencies.

18 (3) Laws relating to the lease of real property by State agencies.

19 (4) Whether the current manner of leasing real property is cost-effective and  
20 whether or not more cost-effective alternatives are available in certain cases.

21 (5) Whether or not the current amount of space leased by the State could be  
22 reduced by more efficiently utilizing State-owned facilities.

23 **SECTION 2.4.** North Carolina Alcoholic Beverage Control System (Apodaca) –  
24 The Commission may study the following aspects of the current State and local alcoholic  
25 beverage control (ABC) in North Carolina:

26 (1) Whether the involvement in the distribution and sale of spirituous liquor is a  
27 core government function of State and local government.

28 (2) The privatization and divestiture of the ABC system, including potential  
29 recurring and nonrecurring revenue from the divestiture of the ABC system's  
30 current assets.

31 (3) A comparison of the North Carolina ABC system with other similarly  
32 situated states that have recently privatized or studied the privatization of  
33 their ABC systems, including the states of Ohio and Virginia.

34 (4) The impact that privatizing the wholesale and retail components of the  
35 distribution of spirituous liquor would have on:

36 a. State and local revenues used for providing core services;

37 b. Mental health and substance abuse services;

38 c. Underage drinking;

39 d. Consumer access to spirituous liquor in both urban and rural areas;  
40 and

41 e. Product availability.

42 (5) The potential for phasing out of local governments from the operation of the  
43 retail distribution of spirituous liquor.

44 (6) An analysis of local ABC Boards and local governments that may benefit  
45 from divestiture of the ABC system.

46 (7) A comparison of the current excise taxes and bailment fees applied to  
47 spirituous liquor in North Carolina versus other states.

48 **SECTION 2.5.** North Carolina's Workers' Compensation Act (Goolsby) – The  
49 Commission may study issues related to North Carolina's Workers' Compensation Act,  
50 including the need for an adjustment of the benefit for permanent injury to an important bodily  
51 organ.

1           **SECTION 2.6.** Mechanics' Lien and Bond Laws (H.B. 489 – Pridgen) – The  
2 Commission may study North Carolina's mechanics' lien and bond laws and may make  
3 recommendations on ways to modernize and improve those laws.

4           **SECTION 2.7.** Records Preservation (S.B. 572 – Davis) – The Commission may  
5 study issues related to records preservation standards, procedures, and techniques.

6           **SECTION 2.8.** Wind Demonstration Project (S.B. 665 – Hise; H.B. 694 – Frye,  
7 Gillespie) – The Commission may study issues relating to the joint development and  
8 implementation of a wind demonstration project by and between Appalachian State University  
9 and the holder of a permit for a wind energy facility in Mitchell County that has been issued by  
10 the Department of Environment and Natural Resources.

11           **SECTION 2.9.** Consolidation of Domestic Violence Commission/Council for  
12 Women (H.B. 757 – Cook) – The Commission may study the issues involved in consolidating  
13 the North Carolina Council for Women and the Domestic Violence Commission into one  
14 commission to improve services to victims of domestic violence and sexual assault and services  
15 to displaced homemakers. If the Legislative Research Commission determines that  
16 consolidating the North Carolina Council for Women and the Domestic Violence Commission  
17 into one commission would improve services to domestic violence and sexual assault victims  
18 and to displaced homemakers, then the Legislative Research Commission may further consider  
19 the composition and duties of the new consolidated commission and the statutory changes  
20 necessary to achieve consolidation. In its study, the Legislative Research Commission may  
21 consider the matters contained in the First Edition of House Bill 757 of the 2011 Regular  
22 Session of the General Assembly, including whether to consolidate funds for domestic  
23 violence, sexual assault, and displaced homemakers and authorize the board of county  
24 commissioners in each county to use the funds to make quarterly grants to any of the following:

- 25           (1) A center for victims of domestic violence.
- 26           (2) A center for victims of sexual assault or rape crisis.
- 27           (3) A center for displaced homemakers.
- 28           (4) A center providing any combination of services as described in subdivisions  
29           (1) through (3) of this section.

30           **SECTION 2.10.** Bankruptcy Reform Act of 1978 (Apodaca) – The Commission  
31 may study matters related to North Carolina's conformance with the Bankruptcy Reform Act of  
32 1978.

33           **SECTION 2.11.** Efficiencies in State Government (Hise) – The Commission may  
34 study additional uses of analytics to increase efficiencies across all areas of State government,  
35 including performance management; waste, fraud, and abuse; outcome management; and  
36 outsourcing.

37           **SECTION 2.12.** Relocation of Power Lines (H.B. 749 – McComas) – The  
38 Commission may study the cost and feasibility of burying or raising the power lines that  
39 currently extend across the Cape Fear River from Progress Energy's Brunswick Nuclear Plant  
40 toward Castle Hayne so as to allow oceangoing vessels to travel past the point that the power  
41 lines cross the river. In conducting the study, the Commission may consider methods to help  
42 Progress Energy move the power lines in a manner that maximizes the use of the Cape Fear  
43 River for commerce, including, but not limited to, grants to Progress Energy using the proceeds  
44 from the sale of unused State Ports Authority land. In conducting the study, the Commission  
45 may compare the costs of moving the power lines to the economic benefit to the State from  
46 increased shipping up the Cape Fear River. The costs of the study may be paid by the North  
47 Carolina State Ports Authority.

48           **SECTION 2.13.** Business Opportunity and Franchise Sales (H.B. 462 –  
49 McCormick) – The Commission may study the adequacy of current consumer protections for  
50 business opportunity and franchise sales in this State. In conducting the study, the Commission

1 may consider the proposed reforms found in House Bill 2036 of the 2010 Regular Session of  
2 the 2009 General Assembly.

3 **SECTION 2.14.** Automatic Renewal Credit Card Contracts (H.B. 450 – Starnes) –  
4 The Commission may study automatic renewal provisions in contracts that provide credit card  
5 or other payment system processing for merchants. The Commission is authorized to review  
6 current practices in the formation of these contracts, determine whether the current practices  
7 should be amended by law, and examine any other issue the Commission deems relevant to this  
8 study.

9 **SECTION 2.15.** County Public-Private Partnerships (H.B. 592 – Collins, Howard,  
10 Tolson, Carney) – The Commission may study whether to allow counties to have general  
11 authority to enter into public private partnerships and whether to allow counties to provide  
12 through a public private partnership a wired or wireless network for the provision of  
13 communications services.

14 **SECTION 2.16.** Incapacity to Proceed (H.J.R. 612 – Randleman, Hurley) – The  
15 Commission may study the adequacy of the involuntary commitment process for a criminal  
16 defendant who lacks the capacity to proceed to trial. In its study, the Commission may  
17 consider the impact of current law on the limited resources of local law enforcement, hospitals,  
18 mental health facilities, and the State's court system while balancing the rights of the accused,  
19 victims, and the safety and the general welfare of the public. The Commission may also  
20 consider options for determining whether a defendant is likely to attain the capacity to proceed  
21 to trial in the foreseeable future and at what point in the process that determination should be  
22 made. The Commission may evaluate the statutory option of taking dismissals in these types of  
23 cases for defendants who are charged with nonviolent crimes and for defendants who are  
24 charged with violent crimes, how often that option is used, and at what point and under what  
25 circumstances that option should be used. In addition, the Commission may consider all of the  
26 following: issues related to transportation, including the frequency, distance, and cost  
27 associated with the required psychiatric evaluations; duration of involuntary commitment for  
28 defendants found incapable of proceeding to trial pursuant to Article 56 of Chapter 15A of the  
29 General Statutes and involuntarily committed pursuant to Part 7 of Article 5 of Chapter 122C  
30 of the General Statutes; and any other issues the Commission considers relevant to this topic.

31 **SECTION 2.17.** Inmate Labor (H.J.R. 728 – Bordsen) – The Commission may  
32 study the feasibility of using inmate labor to rehabilitate unused State owned buildings and to  
33 salvage historical properties that have fallen into disrepair. As part of the study, the  
34 Commission may develop an inventory of eligible facilities for rehabilitation and those  
35 buildings plotted on a State map. The Commission may look at issues, including, but not  
36 limited to, the State purposes to be served by such expanded use of inmate labor, the value to  
37 inmate reentry when sentences are complete, the means by which inmates can qualify for such  
38 work, the logistics of using inmate labor for such projects, the role of the Community College  
39 System in training inmates for such projects, and the skills that can be taught and utilized and  
40 their overall usefulness to former inmates after the Department of Correction supervision ends.  
41 The Commission may also consider whether such expanded use of inmate labor should have a  
42 10 year sunset for purposes of reviewing the State benefit and the state of the economy at that  
43 time.

44 **SECTION 2.18.** Duties of the Human Relations Commission and the Civil Rights  
45 Division of the Office of Administrative Hearings (H.J.R. 745 – Floyd) – The Commission may  
46 study the duties and services of the North Carolina Human Relations Commission and the Civil  
47 Rights Division of the Office of Administrative Hearings to determine whether there is  
48 unnecessary overlap and duplication of services.

49 **SECTION 2.19.** Methamphetamine Labs (H.J.R. 835 – Horn; H.B. 825 – Glazier,  
50 Floyd, Carney, Weiss) – The Commission may study the proliferation of meth labs in this State  
51 and the dangers and hazards posed by meth labs to the safety and health of children who are

1 exposed to the manufacture of methamphetamine in those labs. In its study, the Commission  
2 may consider causes for the increase in meth labs, how people are getting around the legislation  
3 enacted in recent years restricting the sale of pseudoephedrine, the manufacturing methods  
4 currently used to make methamphetamine, and the many situations and circumstances in which  
5 a child's health and safety is threatened by the child's proximity to the lab or association with  
6 individuals manufacturing methamphetamine.

7 **SECTION 2.20.** Protection of Masonboro Island (H.B. 901 – McComas) – The  
8 Commission may study the protection of Masonboro Island, an undeveloped barrier island  
9 owned by the State and located off the coast of North Carolina between Wrightsville and  
10 Carolina Beaches, in order to assure that the ecological systems of the island are maintained  
11 and preserved and to assure that the public retains access to the island. In conducting its study,  
12 the Commission may do all of the following:

- 13 (1) Determine what protections Masonboro Island currently receives with  
14 respect to its ecological systems and access to it by the public as an area that  
15 is included in the Coastal Reserve Program under Part 5 of Article 7 of  
16 Chapter 113A of the General Statutes.
- 17 (2) Determine the current and appropriate roles of the Division of Coastal  
18 Management of the Department of Environment and Natural Resources, the  
19 Coastal Resources Commission, and New Hanover County regarding these  
20 protections of Masonboro Island under subdivision (1) of this section.
- 21 (3) Consider what administrative rules and local government rules apply to the  
22 ecological protection of Masonboro Island or to its use by the public.
- 23 (4) Consider the specific changes to the rules under subdivision (3) of this  
24 section that are being considered or discussed by the Department of  
25 Environment and Natural Resources, the Coastal Resources Commission, or  
26 New Hanover County that could result in limiting public access to  
27 Masonboro Island or closing Masonboro Island to the public completely,  
28 what specific incidents and the location of these incidents that prompted  
29 such possible rule changes, and the costs to the Department, the Coastal  
30 Resources Commission, New Hanover County, and the public of adopting  
31 such possible rule changes.
- 32 (5) Determine how to balance the interests of protecting the ecology of  
33 Masonboro Island and making Masonboro Island available to citizens who  
34 enjoy its natural beauty and wish to participate in the protection of the sea  
35 turtles and other native species from natural predators.
- 36 (6) Consider whether Part 5 of Article 7 of Chapter 113A of the General  
37 Statutes or any administrative rules adopted pursuant to Part 5 should be  
38 amended to achieve the appropriate balance of interests as determined under  
39 subdivision (5) of this section.
- 40 (7) Consider whether adding Masonboro Island to the State Parks System would  
41 result in achieving the appropriate balance of interests as determined under  
42 subdivision (5) of this section.
- 43 (8) Any other issue the Commission considers relevant to its study.

44 **SECTION 2.21.** Third-Party Sale of Electricity (H.B. 906 – Samuelson, Avila) –  
45 The Commission may study the feasibility and the desirability of authorizing sales of electricity  
46 by any third party that owns or operates the equipment of a renewable energy facility with two  
47 megawatts or less capacity when the renewable energy facility is located on a customer's  
48 property. This study may focus on the obstacles that currently prevent these third party sales of  
49 electricity from renewable energy resources and the possible solutions that address these  
50 obstacles. One major obstacle the Commission may consider is whether the third party that  
51 owns or operates the equipment of a renewable energy facility is subject to being regulated as a

1 public utility under Chapter 62 of the General Statutes unless legislation is enacted to exclude  
2 the third party owner or operator of the onsite generating equipment from such regulation. In its  
3 study, the Commission may consider all of the following issues:

- 4 (1) Whether these third party sales of electricity have the potential to  
5 substantially assist North Carolina in gaining greater energy security and  
6 energy independence through the use of indigenous resources available  
7 within the State.
- 8 (2) Whether these third party sales of electricity have the potential to  
9 sufficiently address on peak demand loads to result in lowering costs for  
10 utility customers and avoiding the need to build additional generating  
11 facilities.
- 12 (3) Whether the development of renewable energy in the State through third  
13 party sales of electricity is likely to encourage private investment in new  
14 small scale generating facilities, thereby creating new property tax bases and  
15 creating new energy related jobs throughout the State.
- 16 (4) Whether these third party sales of electricity would promote the  
17 development of renewable energy in North Carolina by allowing  
18 competition in markets that heretofore have been closed to competition and  
19 served exclusively by an energy supplier assigned to serve such market.
- 20 (5) Any other issue the Commission considers relevant to its study.

21 **SECTION 2.22.** Metropolitan Sewerage/Water System (H.B. 925 – Moffitt) – The  
22 Commission may study whether requiring large cities that have a municipal water system and  
23 that are located entirely within a Metropolitan Sewerage District to convey that water system to  
24 the district will improve the efficiency of providing public services. The Commission may  
25 specifically examine House Bill 925, First Edition, 2011 Regular Session, and the following  
26 issues:

- 27 (1) Financial stability of the current independent systems on a historic basis and  
28 the anticipated financial stability of a combined system.
- 29 (2) Cost benefit analysis of a combined system, including a review of assets and  
30 liabilities; personnel needs; equipment and infrastructure replacement  
31 schedules; facilities leased and owned; and fee schedules.
- 32 (3) Debt obligation.
- 33 (4) Taxpayer investments in the systems.
- 34 (5) Audit of current financials.
- 35 (6) Comparative analysis of the current system to existing public and private  
36 systems.
- 37 (7) Conservation and water efficiency practices.
- 38 (8) Best management practices.
- 39 (9) The disposition of property in Article 12 of Chapter 160A of the General  
40 Statutes as it relates to a conveyance of a water system.
- 41 (10) The transfer of permits when a water system is conveyed.
- 42 (11) Any local acts applicable to the city or metropolitan sewerage district.
- 43 (12) Other items the Commission deems relevant to the study.

44 **SECTION 2.23.** Communications with Accident Victims and Persons Charged  
45 with Infractions for Moving Violations Under Chapter 20 of the General Statutes (H.B. 87 –  
46 LaRoque, T. Moore) – The Commission may study all issues raised by House Bill 87, Sixth  
47 Edition, 2011 Regular Session.

48 **SECTION 2.24.** Establishing a Property Owners Protection Act (H.B. 652 –  
49 Moffitt, Brubaker, Brawley, McComas) – The Commission may study the establishment of a  
50 property owners protection act that would favor the free use of land. In conducting the study,  
51 the Commission may examine the award of attorneys' fees incurred by a property owner in an

1 action challenging land-use regulations and prohibiting the enforcement of penalties against a  
2 property owner for an act not actually committed by the property owner. As a part of its study,  
3 the Commission may review the issues raised by the First Edition of House Bill 652, 2011  
4 Regular Session.

5 **SECTION 2.25.** Designating the Director of the Administrative Office of the  
6 Courts as a Custodian of Court Records and Making Court Records Public Records and  
7 Available to Third Parties Upon Request and Payment of Reproduction Costs (H.B. 859 –  
8 Boles; S.B. 577 – Hartsell) – The Commission may study the issue of making the Director of  
9 the Administrative Office of the Courts a custodian of court records for public records purposes  
10 and making court records public records and available to third parties upon request and  
11 payment of the reproduction costs. As a part of its study, the Commission may review the  
12 issues raised by the First Editions of House Bill 859/Senate Bill 577, 2011 Regular Session.

13 **SECTION 2.26.** Deeds of Trust Given to Manufactured Home Retailers or  
14 Residential Building Contractors (Stam, Collins) – The Commission may study whether a deed  
15 of trust given by an individual to a manufactured home retailer or residential building  
16 contractor to secure the individual's contractual obligation to purchase a residence is a  
17 "residential mortgage loan" requiring the retailer or contractor to be licensed as a mortgage  
18 lender or mortgage loan originator under the NC SAFE Act.

19 **SECTION 2.27.** Licensure of Naturopathic Doctors (H.B. 847 – Barnhart, Collins,  
20 Murry, Fisher; S.B. 467 – Hartsell, Apodaca) – The Commission may study the licensure of  
21 naturopathic doctors and other matters contained in the First Edition of House Bill 847 of the  
22 2011 Regular Session.

23 **SECTION 2.28.** Ignition Interlock Requirement for First-Time DWI Offenders  
24 (H.B. 591 – Ingle, Faircloth, Stevens) – The Commission may study issues associated with  
25 authorizing a limited driving privilege with an ignition interlock requirement for first-time DWI  
26 offenders with a refusal revocation and may study the proposed law change found in the First  
27 and Second Editions of House Bill 591 of the 2011 Regular Session.

28 **SECTION 2.29.** Admission Ticket Reform (H.B. 308 – LaRoque, Guice, Tolson,  
29 and Glazier) – The Commission may study reforming the process of ticketing, selling, and  
30 reselling admission tickets, including the proposed statutory changes found in the First Edition  
31 of House Bill 308 of the 2011 Regular Session.

32 **SECTION 2.30.** Health Plan Benefit Co-Payments for Chiropractic Services (H.B.  
33 496 – T. Moore, McLawhorn) – The Commission may study health plan benefit co-payments  
34 for chiropractic services and may study the proposed statutory changes found in the First  
35 Edition of House Bill 496 of the 2011 Regular Session.

36 **SECTION 2.31.** Dentistry Management Arrangement Limits (H.B. 698 –  
37 Dockham, T. Moore, Gillespie; S.B. 655 – Pate, Allran) – The Commission may study dentistry  
38 management arrangement limits and may study the proposed statutory changes found in the  
39 First Edition of House Bill 698 of the 2011 Regular Session.

40 **SECTION 2.32.** Legal Services Offered by Nonprofit Corporations (H.B. 714 –  
41 Torbett; S.B. 706 – Tucker) – The Commission may study the benefits to business, trade, and  
42 agricultural association members that legal advice provided by the association would provide,  
43 how current North Carolina State Bar rules would apply to attorneys employed by and  
44 providing member legal services for these associations, disclosure requirements that may be  
45 needed for members, whether other states allow nonprofits to offer legal services, and the rate  
46 of compliance with the Rules of Professional Conduct in association practice as compared to  
47 law firms.

48 **SECTION 2.33.** Make Manufacture of Any Article or Product While Using Stolen  
49 or Misappropriated Information Technology an Unfair Act (H.B. 672 – Steen, T. Moore,  
50 Wilkins) – The Commission may study making the manufacture of any article or product while

1 using stolen or misappropriated information technology an unfair act. The Commission may  
2 examine the following:

- 3 (1) The use of unfair practice laws.
- 4 (2) The use of stolen information technology by businesses that offer products  
5 for sale in the State of North Carolina.
- 6 (3) The effects on law-abiding businesses forced to compete with such  
7 companies.
- 8 (4) The proposed statutory changes found in the First Edition of House Bill 672  
9 of the 2011 Regular Session.

10 **SECTION 2.34.** Organization and Administration of the North Carolina  
11 Department of Justice (Daughtry, Hager) – The Commission may study the organization and  
12 administration of the North Carolina Department of Justice.

13 **SECTION 2.35.** Elections Issues (Lewis) – The Commission may study issues  
14 concerning elections, including the election laws of the State and the administration of those  
15 laws.

16 **SECTION 2.36.** Judicial Appointments (Rhyne, Daughtry, Stam, Murry) – The  
17 Commission may study issues concerning judicial appointment, election, selection, and  
18 retention.

19 **SECTION 2.37.** Underground Damage Prevention – The Commission may review  
20 the effectiveness of current provisions in Article 8 of Chapter 87 of the North Carolina General  
21 Statutes in preventing third-party damage to underground utility facilities. Upon completion of  
22 the review, the Commission may recommend statutory changes to make Article 8 of Chapter 87  
23 of the General Statutes more effective, addressing the following:

- 24 (1) Improved definitions for greater clarity.
- 25 (2) Clear assignment of responsibility for enforcement.
- 26 (3) Effective financial penalties to discourage noncompliance.
- 27 (4) Mandatory membership in 811 "One Call" for all utility operators of  
28 underground facilities.
- 29 (5) Eliminating or minimizing exemptions in the statute.
- 30 (6) Implementing a 360 degree Positive Response System to improve  
31 communications regarding underground facility locate requests.
- 32 (7) Maintaining an appropriate "tolerance zone" for use of mechanized and  
33 nonmechanized equipment in excavations around existing facilities.
- 34 (8) Clearly defining scope of facilities covered by a single locate ticket, such as  
35 length and maximum number of customer service connections.
- 36 (9) Clearly defining response times and period of effectiveness for locate  
37 requests.
- 38 (10) Limiting local ordinances that purport to preempt provisions of Article 8 of  
39 Chapter 87 of the General Statutes.
- 40 (11) Requiring that all underground facilities installed after a specific date be  
41 locatable by electronic means.
- 42 (12) Implementing a statewide damage prevention training program for  
43 underground facility operators and excavators.
- 44 (13) Consistency with applicable provisions of the PIPES Act of 2006.
- 45 (14) Consistency with recently adopted underground damage prevention  
46 legislation in South Carolina.

47 **SECTION 2.38.** Legacy Costs (Folwell) – The Commission may study the  
48 long-term effects of legacy costs to the State from, for example, pensions, the State Health  
49 Plan, and the Employment Security Commission.

50 **SECTION 2.39.** Certificate of Need Process and Related Hospital Issues (H.B. 743  
51 – Steen, Current, Glazier, Torbett; H.B. 812 – Torbett) – The Commission may study the law



1 and process for issuing a Certificate of Need (CON) for new construction, expansion, or  
2 renovation of health care facilities and related issues involving hospital expansion. The  
3 Commission may specifically examine House Bill 743, First Edition, 2011 Regular Session;  
4 House Bill 812, First Edition, 2011 Regular Session; and the following:

- 5 (1) The legal requirements and process governing Department of Health and  
6 Human Services determinations on applications for CON, including an  
7 analysis of exceptions granted under policy AC-3 of the State Medical  
8 Facilities Plan as implemented by the Department of Health and Human  
9 Services.
- 10 (2) Issues relating to publicly owned hospitals, including determining the  
11 appropriate role of State-owned hospitals and the appropriate manner for  
12 public hospital authorities created under G.S. 131E-17 to operate beyond the  
13 boundaries of the local government that created the authority.
- 14 (3) Whether a hospital operating under a Certificate of Public Advantage should  
15 be required to comply with the same rules, policies, and limitations to each  
16 county in which it operates.
- 17 (4) The extent to which a publicly owned hospital should engage in business  
18 with an entity having a Certificate of Public Advantage or operating under  
19 an exemption under the CON laws of the State.
- 20 (5) Any other matter reasonably related to subdivisions (1) through (4) of this  
21 section, in the discretion of the Commission.

22 **SECTION 2.40.** E-Procurement System (Barnhart) – The Commission may study  
23 the costs and effectiveness of the State's e-procurement system.

24 **SECTION 2.41.** Locksmith Licensing Act (H.B. 889 – Collins) – The Commission  
25 may study the potential changes to the Locksmith Licensing Act, including the proposed  
26 statutory changes found in House Bill 889, First Edition, 2011 Regular Session.

27 **SECTION 2.42.** Homeowners Association Foreclosures (H.B. 183 – R. Moore,  
28 Bryant, Hamilton, Gill) – The Commission may study the issue of foreclosure of property by  
29 homeowners associations for unpaid assessments liens based on unpaid homeowners  
30 association dues or related fees and charges. The Commission may examine alternatives to  
31 homeowners association assessment lien foreclosure as a part of its study. The Commission  
32 may also study issues related to foreclosure of property based on liens for homeowners  
33 association assessments, fees, and charges.

### 34 35 **PART III. JOINT LEGISLATIVE HEALTH AND HUMAN SERVICES OVERSIGHT** 36 **COMMITTEE**

37 **SECTION 3.1.** The Joint Legislative Health and Human Services Oversight  
38 Committee may study the topics listed in this Part and report its findings, together with any  
39 recommended legislation, to the 2012 Regular Session of the 2011 General Assembly upon its  
40 convening.

41 **SECTION 3.2.** Tanning Beds and Adolescents (Forrester, Pate, Tucker) – The  
42 Committee may study the health impacts of tanning beds specifically as it relates to  
43 adolescents. In conducting the study, the Committee may:

- 44 (1) Include the testimony and participation of owners, manufacturers, and  
45 operators of tanning salons in all of the Committee's discussions and  
46 deliberations that concern tanning beds.
- 47 (2) Request that the State Health Director review the scientific literature  
48 concerning tanning beds and skin cancer as well as the scientific research  
49 concerning the effectiveness of regulation and other strategies to prevent  
50 adolescents from using tanning beds.

- 1 (3) Request that the State Health Director summarize his findings in subdivision
- 2 (2) of this section in testimony before the Committee.
- 3 (4) Review the availability and safety of tanning products available as
- 4 alternatives to tanning beds for adolescents.
- 5 (5) Review other states' regulations regarding tanning beds and their
- 6 effectiveness in educating parents and their impact on the use of tanning
- 7 beds by adolescents.
- 8 (6) Consider the economic impact of current and potential regulation of tanning
- 9 beds.
- 10 (7) Other issues the Committee deems relevant.

11 **SECTION 3.3.** In-Home and Community-Based Mental Health Services for Youth  
12 (Hartsell) – The Committee may study the development and implementation of a demonstration  
13 program for mental health providers providing in-home and community-based services to youth  
14 up to age 20 under the State Medicaid program, the purpose of which is to establish  
15 reimbursement and regulatory flexibility for providers that demonstrate beneficial outcomes for  
16 Medicaid recipients served.

17 **SECTION 3.4.** Radiologist Assistant Licensure (H.B. 878 – Wainwright; S.B. 672  
18 – Purcell) – The Committee may do the following:

- 19 (1) Determine the number of individuals who may qualify for licensure as
- 20 radiologist assistants who perform medical imaging examinations and
- 21 procedures for patients in this State.
- 22 (2) Determine the need for the licensure and regulation of radiologist assistants
- 23 who perform medical imaging examinations and procedures to protect the
- 24 citizens of North Carolina from unnecessary radiation and improper medical
- 25 care related to medical imaging procedures.
- 26 (3) Determine appropriate levels of supervision and practice parameters for the
- 27 radiologist assistant.
- 28 (4) Develop cost estimates for the establishment of a committee of the North
- 29 Carolina Medical Board that will develop rules and issue licenses to
- 30 radiologist assistants.
- 31 (5) Develop draft legislation to present to the 2012 Regular Session of the 2011
- 32 General Assembly.
- 33 (6) Consider any other matters the Committee finds relevant to its charge.

#### 34 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE**

35 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee may  
36 study the topics listed in this Part and report its findings, together with any recommended  
37 legislation, to the 2012 Regular Session of the 2011 General Assembly upon its convening.

38 **SECTION 4.2.** Liquid Salt Brine for Snow Removal (Hise) – The Committee may  
39 study the impact, including damage to automobiles, cost, and effectiveness, of using the liquid  
40 salt brine and salt types for inclement weather snow removal in Western North Carolina.

41 **SECTION 4.3.** Retitling of Manufactured Homes Removed from Property  
42 (Goolsby) – The Committee may study ways to clarify the retitling of a manufactured home  
43 that is removed from real property after the original title has been cancelled.

44 **SECTION 4.4.** Moped Registration and Liability Insurance (H.B. 389 –  
45 Committee on Rules, Calendar, and Operations of the House) – The Committee shall study the  
46 need for a moped registration program. If the Committee finds that requiring motor vehicle  
47 registration for mopeds is a desirable public policy, then it should recommend the method of  
48 registering mopeds, the process for identifying the mopeds to be registered, the administrative  
49 agency responsible for registering mopeds, the need for financial responsibility for operation  
50

1 and registration, the need for safety and emissions inspections, and any other issues that relate  
2 to the administration of the moped registration, inspection, and insurance process.

3 **SECTION 4.5.** Federal and Local Funding for Local Mass Transit – The  
4 Committee may study issues related to the utilization of federal and local funding sources for  
5 local mass transit projects and the elimination of State funding for such projects.

6 **SECTION 4.6.** Passenger Rail Fare Subsidy (H.B. 865 – Steen) – The Committee  
7 may study whether to eliminate the passenger rail fare subsidy. In its study, the Committee may  
8 study the proposed changes found in the First Edition of House Bill 865 of the 2011 Regular  
9 Session.

10 **SECTION 4.7.** Life Cycle Cost Analysis (Murry) – The Committee shall study  
11 when the Department of Transportation shall implement revised policies on life cycle cost  
12 analysis, including material cost indexing, open bidding for alternative pavement designs for all  
13 TIP projects that exceed five hundred thousand dollars (\$500,000) in pavement costs, and the  
14 30-year design periods and 45-year analysis periods based upon actual historic schedules and  
15 costs.

## 16 17 **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**

18 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may study  
19 the topics listed in this Part and report its findings, together with any recommended legislation,  
20 to the 2012 Regular Session of the 2011 General Assembly upon its convening.

21 **SECTION 5.2.** Education Reform in North Carolina – (Tillman, Preston, Soucek)  
22 – It is the intent of the General Assembly that the children of North Carolina are ready to  
23 succeed when they start school, learn the appropriate foundational education in the early  
24 grades, are prepared for a career or higher education upon graduation, and have job and  
25 learning skills appropriate to the global economy. To implement this, the Joint Legislative  
26 Education Oversight Committee shall study the following and report to the 2012 Regular  
27 Session of the 2011 General Assembly with a comprehensive plan, including implementation  
28 dates and schedules, to accomplish this vision:

- 29 (1) Elementary and secondary education. – It is a priority of the General  
30 Assembly that, by the end of third grade, North Carolina children receive a  
31 foundational education in reading and mathematics upon which to build  
32 future educational achievement. Further, it is a priority that children in all  
33 grades receive quality education from high-quality teachers that are ready  
34 and able to teach and that children are promoted in an educationally  
35 appropriate manner. To that end, the Committee shall study the following:
- 36 a. Teacher tenure and its relationship with student performance.
  - 37 b. Teacher pay and its relationship with student performance, including  
38 the following:
    - 39 1. Salary supplements for employees with master's degrees and  
40 national board certification, and their relationship with  
41 student performance.
    - 42 2. Methods of implementing a performance pay plan for school  
43 employees.
  - 44 c. Strategies for reducing teacher paperwork to assist teachers in  
45 spending more time with students.
  - 46 d. Kindergarten as a transition year between pre-K and elementary  
47 education, including the following:
    - 48 1. Kindergarten specific class size ratios.
    - 49 2. Effectiveness of teacher assistants.
  - 50 e. Reducing teacher-student ratio to 1:15 in first through third grades  
51 and its relationship with student performance.

- 1 f. Specific reasons why students drop out and reasons why at-risk
- 2 students decide to stay in school. In studying this, the Committee
- 3 shall review dropout prevention programs implemented across the
- 4 State to determine the effectiveness of different approaches.
- 5 g. The effectiveness of various diagnostic tools in improving student
- 6 performance.
- 7 h. District size and its relationship with student performance and school
- 8 finance.
- 9 i. State funding formulas. In its examination and review, the
- 10 Committee shall determine which funding formulas maximize
- 11 district flexibility and parental choice.
- 12 j. Course offerings, including the existence of duplicative courses of
- 13 study in public and private secondary and postsecondary institutions
- 14 in each local school administrative unit or county.
- 15 k. Alternative course delivery methods, including virtual schools and
- 16 off-site courses.
- 17 l. Strategies to reduce the number of students that receive special
- 18 education accommodations under the federal Individuals with
- 19 Disabilities Education Act and its implementing regulations.
- 20 m. The advisability, costs, and barriers to increasing public access to
- 21 value-added assessments such as the Education Value Added
- 22 Assessment System and local school administrative unit financial
- 23 information.
- 24 n. School and district accreditation and its relationship with student
- 25 performance.
- 26 o. The advisability, costs, and barriers to adding additional information
- 27 to State Public School Report Cards, including productivity
- 28 measures, compensation of personnel, and value-added scores.
- 29 p. The amount of school district resources used for advocacy, including
- 30 funds paid to organizations that employ lobbyists and government
- 31 relations personnel.
- 32 q. The advisability, costs, potential savings, and barriers to privatization
- 33 of local school administrative unit services, including food service,
- 34 transportation, cleaning, landscaping, and resource officers.
- 35 r. Strategies for measuring and strengthening academic achievement in
- 36 middle schools.
- 37 (2) Transition from high school. – It is a priority of the General Assembly that
- 38 high school graduates enter the workforce or higher education fully
- 39 prepared. To that end, the Committee shall study the following:
- 40 a. Ways to reduce the need for remedial or developmental education in
- 41 the State's higher education institutions so that students and the State
- 42 do not pay repeatedly for the same education, including the
- 43 following:
- 44 1. Ensuring clear, rigorous secondary school standards, such as
- 45 using college assessment tests in high school, including
- 46 reviewing models in Florida and California, and using college
- 47 assessment tests as entrance requirements for universities.
- 48 2. Ways to hold high schools accountable for the higher
- 49 education performance of their students, including requiring
- 50 funding for developmental education to come from high
- 51 schools.

- 1 3. The most cost-effective way to provide remedial education in  
2 higher education, including funding summer term  
3 developmental courses at community colleges based on  
4 successful course completions, focusing remediation at the  
5 community colleges, and redirecting university appropriations  
6 for remedial education to the community colleges.
- 7 b. The most efficient and effective way to provide opportunities for  
8 high school students to access higher education, including the  
9 following:
  - 10 1. Models of specific instructional pathways to higher  
11 education, including the following:
    - 12 I. A Career Technical Education Pathway (CTE),  
13 leading to a certificate or diploma aligned with one or  
14 more high school Tech Prep Career Clusters.
    - 15 II. A College Transfer Pathway leading to a college  
16 transfer certificate requiring successful completion of  
17 eight college transfer courses, including English and  
18 Mathematics.
    - 19 III. A school-specific pathway, including Learn and Earn  
20 schools, the iSchool of the University of North  
21 Carolina at Greensboro, and other Cooperative and  
22 Innovative High Schools approved under Part 9 of  
23 Article 16 of Chapter 115C of the General Statutes.
    - 24 IV. Other pathways, including the Governor's Proposed  
25 Career and College Promise Program.
  - 26 2. Revising statutes for high school students in higher education.  
27 (3) Higher education. – It is a priority of the General Assembly that the State's  
28 higher education system produce college graduates in the most efficient and  
29 effective manner possible, to improve productivity and public accountability  
30 for performance in postsecondary education, and ultimately to increase the  
31 educational level and earning potential of the State. To that end, the  
32 Committee shall study the following:
    - 33 a. A revised set of accountability measures and performance standards  
34 by which to evaluate and measure student progress and student  
35 success in the North Carolina Community College System, as  
36 described in Section 8.14 of this act, including how to incorporate  
37 these measures into formula funding.
    - 38 b. Ways to increase transparency in the university system's spending  
39 and revenues.
    - 40 c. Other states' performance funding systems, including efforts in Ohio,  
41 Florida, and Washington.
    - 42 d. Ways to increase college graduation rates by funding based on  
43 performance.
    - 44 e. The impact of directing more students to the community colleges for  
45 their freshman and sophomore years of a four-year degree, including  
46 requiring a certificate of transfer from the North Carolina  
47 Community College System before transferring to The University of  
48 North Carolina System.
    - 49 f. Faculty class loads at the constituent institutions of the North  
50 Carolina Community College System and The University of North  
51 Carolina.

1 In all cases, any program implemented needs to be structured so that ongoing,  
2 evaluable performance and outcome data is available.

3 **SECTION 5.3.** Lowering the Maximum Age of Initial Enrollment in Public  
4 Schools (H.J.R. 456 – Fisher, Cotham, Gill, Keever) – The Committee shall study whether the  
5 maximum initial age for enrollment in the public schools shall be lowered from age seven to  
6 age six.

7 **SECTION 5.4.** Home Schooled Students' Participation in Interscholastic Athletics  
8 (H.B. 253 – Dixon, Cleveland) – The Committee may study the participation of home schooled  
9 students in interscholastic athletics, including the proposed statutory changes found in the First  
10 Edition of House Bill 253 of the 2011 Regular Session.

11 **SECTION 5.5.** Public School Issues (T. Moore) – The Committee may study the  
12 following issues:

- 13 (1) Specific reasons why students drop out and reasons why at-risk students  
14 decide to stay in school. In studying this, the Committee may review dropout  
15 prevention programs implemented across the State to determine the  
16 effectiveness of different approaches.
- 17 (2) The effectiveness of various diagnostic tools in improving student  
18 performance.
- 19 (3) Size of local school administrative units and its relationship with student  
20 performance and school finance.
- 21 (4) State funding formulas. In its examination and review, the Committee may  
22 determine which funding formulas maximize district flexibility and parental  
23 choice.
- 24 (5) Course offerings, including the existence of duplicative courses in study in  
25 public and private secondary and postsecondary institutions in each local  
26 school administrative unit or county.
- 27 (6) Alternative course delivery methods, including virtual schools and off-site  
28 courses.
- 29 (7) Strategies to reduce the number of students that receive special education  
30 accommodations under the federal Individuals with Disabilities Education  
31 Act and its implementing regulations.
- 32 (8) The advisability, costs, and barriers to increasing public access to  
33 value-added assessments such as the Education Value Added Assessment  
34 System and local school administrative unit financial information.
- 35 (9) School and local school administrative unit accreditation and its relationship  
36 with student performance.
- 37 (10) The advisability, costs, and barriers to adding additional information to State  
38 Public School Report Cards, including productivity measures, compensation  
39 of personnel, and value-added scores.
- 40 (11) The amount of local school administrative unit resources used for advocacy,  
41 including funds paid to organizations that employ lobbyists and government  
42 relations personnel.
- 43 (12) The advisability, costs, potential savings, and barriers to privatization of  
44 local school administrative unit services, including food service,  
45 transportation, cleaning, landscaping, and resource officers.
- 46 (13) Strategies for measuring and strengthening academic achievement in middle  
47 schools.

48 **SECTION 5.6.** Increased Use of Advanced Placement (Holloway) – The  
49 Committee shall study the impact of the increased use of Advanced Placement (AP) on college  
50 enrollment and college retention.

1           **SECTION 5.7.** Effect of Student Mobility on Academic Performance in Urban  
2 School Districts (Folwell) – The Committee may study the effect of student mobility on  
3 academic performance in urban school districts.

4           **SECTION 5.8.** Bill of Rights for Children Who Are Deaf or Hearing Impaired  
5 (H.B. 625 – Blackwell, Farmer-Butterfield) – The Committee shall study and develop a bill of  
6 rights for children who are deaf or hearing impaired. In developing the bill of rights, the  
7 Committee shall consider requirements for Individual Education Programs for children who are  
8 deaf or hearing impaired, related services and program options for communication access, the  
9 continuum of alternative educational placements available, the availability of appropriate,  
10 direct, and ongoing language access to teachers of the deaf or hearing impaired, and other  
11 matters that the Committee determines are relevant to the study.

## 12           **PART VI. ENVIRONMENTAL REVIEW COMMISSION**

13           **SECTION 6.1.** The Environmental Review Commission may study the topics  
14 listed in this Part and report its findings, together with any recommended legislation, to the  
15 2012 Regular Session of the 2011 General Assembly upon its convening.

16           **SECTION 6.2.** Consolidated Environmental Commission (S.B. 428 – Clodfelter) –  
17 The Commission shall study the desirability and the feasibility of consolidating the State's  
18 environmental policy-making, rule-making, and quasi-judicial functions into one  
19 comprehensive full-time environmental commission, perhaps to be modeled after the North  
20 Carolina Utilities Commission. As part of this study, the Environmental Review Commission  
21 shall evaluate all issues that pertain to a consolidation of the roles and duties that the current  
22 multiple environmental boards, commissions, and councils have. The Environmental Review  
23 Commission shall also consider any one or more of the following issues:

- 24           (1) Whether a consolidated environmental commission should have its own  
25 full-time staff.
- 26           (2) Whether a consolidated environmental commission would enhance the  
27 efficiency, objectivity, or fairness of environmental policy-making and  
28 regulation in North Carolina or reduce any unnecessary duplication.
- 29           (3) How a consolidated environmental commission would access the scientific  
30 expertise it would need to address the broad range of environmental subjects  
31 under its purview.
- 32           (4) What should be the number of commissioners to serve on such a  
33 commission, their qualifications, and their term length; how such  
34 commissioners should be appointed; and what should be the commission's  
35 duties.
- 36           (5) How such a commission and its staff would be funded.
- 37           (6) What is a reasonable timetable for creating and phasing in such a  
38 commission.
- 39           (7) Any other issues the Environmental Review Commission deems pertinent to  
40 its charge under this act.

41           **SECTION 6.3.(a)** Water and Sewer Service Providers (S.B. 564 – Clodfelter; H.B.  
42 708 – Hamilton, Keever, R. Moore) – The Commission shall study the statutory models for  
43 establishing, operating, and financing certain organizations that provide water and sewer  
44 services in the State. The Commission shall specifically consider the statutory models for the  
45 following:

- 46           (1) Sanitary Districts (Part 2 of Article 2 of Chapter 130A of the General  
47 Statutes).
- 48           (2) Water and Sewer Authorities (Article 1 of Chapter 162A of the General  
49 Statutes).
- 50

- 1 (3) Metropolitan Water Districts (Article 4 of Chapter 162A of the General  
2 Statutes).  
3 (4) Metropolitan Sewerage Districts (Article 5 of Chapter 162A of the General  
4 Statutes).  
5 (5) County Water and Sewer Districts (Article 6 of Chapter 162A of the General  
6 Statutes).  
7 (6) Any other similar organizations that provide water or sewer services in the  
8 State.

9 **SECTION 6.3.(b)** The Commission shall determine whether, how, and to what  
10 extent the number of statutory models should be reduced and consolidated. In making these  
11 determinations, the Commission shall consider and address any impacts such reduction and  
12 consolidation would have on the ongoing operations and financing of existing organizations for  
13 the provision of water and sewer services.

14 **SECTION 6.4.** Cleanup of Industrial Properties (H.B. 45 – Gillespie, Cook,  
15 Gibson) – The Commission, with the assistance of the Department of Environment and Natural  
16 Resources, shall study the cost of assessing and remediating inactive hazardous substance or  
17 waste disposal sites for which there is no financially viable responsible party. The Commission  
18 shall also identify potential sources of funds to address the projected need for assessment and  
19 remediation.

20 **SECTION 6.5.** Jordan Lake Reservoir Water Quality Rules (H.B. 873 – Jones,  
21 Ingle, Blust, Faircloth) – The Commission may study changes to the Jordan Lake Reservoir  
22 water quality rules, including the proposed changes found in the First Edition of House Bill 873  
23 of the 2011 Regular Session.

24 **SECTION 6.6.** Allocation of Surface Water Resources (Samuelson) – The  
25 Commission, with the assistance of the Department of Environment and Natural Resources and  
26 the Department of Commerce, may study the allocation of surface water resources and their  
27 availability and maintenance in the State, including the relationship between sufficient, reliable  
28 water supply resources and economic development. In the conduct of this study, the  
29 Environmental Review Commission may employ independent consultants as provided in  
30 G.S. 120-32.02 and G.S. 120-70.44.

## 31 **PART VII. REVENUE LAWS STUDY COMMITTEE**

32 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics listed in  
33 this Part and report its findings, together with any recommended legislation, to the 2012  
34 Regular Session of the 2011 General Assembly upon its convening.

35 **SECTION 7.2.** Exemptions of Pallets for Agricultural Use (Jackson) – The  
36 Committee may study matters related to the exemption of pallets for agricultural use from the  
37 sales tax.

38 **SECTION 7.3.(a)** Incentives for "Development Ready" Sites (H.B. 628 – Jeffus,  
39 Faircloth; S.B. 545 – Vaughan, Brunstetter) – The Committee may study the issue of enacting  
40 incentives, similar to tools for farmland preservation, brownfields redevelopment, historic  
41 preservation, and land conservation, to stimulate the creation of "development ready" sites.  
42 The study may include (i) discussion of property tax relief that maintains tax assessment values  
43 at agricultural value for "development ready" sites where horizontal infrastructure has been put  
44 in place so as to make a site ready for building design and (ii) discussion of income tax  
45 deductions or income tax credits for land preservation through land banking, purchase of  
46 options, or purchase of development rights; redevelopment of obsolete industrial buildings or  
47 areas; rezoning to appropriate zoning classifications; and infrastructure improvements to make  
48 sites "development ready."  
49

50 **SECTION 7.3.(b)** In conducting the study, the Revenue Laws Study Committee  
51 cochairs are authorized to appoint an advisory subcommittee and to ask the Local Government



1 Commission to designate an individual to participate in the subcommittee's deliberations in an  
2 ex officio, nonvoting capacity. The subcommittee may consist of no more than 18 members and  
3 may include no less than five members of the House of Representatives appointed by the  
4 Speaker of the House of Representatives, no less than five members of the Senate appointed by  
5 the President Pro Tempore of the Senate, and individuals who are not members of the  
6 Committee or of the General Assembly, eight of whom represent the following interests:

- 7 (1) Piedmont Triad Partnership.
- 8 (2) North Carolina Economic Developers Association.
- 9 (3) Triad Real Estate & Building Industry Coalition.
- 10 (4) North Carolina Association of REALTORS.
- 11 (5) NAIOP.
- 12 (6) North Carolina Association of County Commissioners.
- 13 (7) The North Carolina League of Municipalities.
- 14 (8) The North Carolina Tax Collectors Association.

15 **SECTION 7.4.** Property Tax Valuation Process (H.B. 796 – Moffitt) – The  
16 Committee may study the process of property valuation for the property tax purposes. The  
17 study may include the current exemptions and deferral programs that affect property tax  
18 liability, the use of true value as a standard for valuation, current bases for altering a  
19 determined property tax value, and differences that exist or are permitted to exist between  
20 county procedures that affect property taxation. The Committee cochairs are authorized to  
21 appoint an advisory subcommittee and to ask the Local Government Commission to designate  
22 an individual to participate in the subcommittee's deliberations in an ex officio, nonvoting  
23 capacity. The subcommittee may consist of no more than 10 members and may include no  
24 more than four individuals who are not members of the Committee or of the General Assembly.

25 **SECTION 7.5.** Click-Through Provision and a Remote Retailer's Obligation to  
26 Collect Sales Tax Based on Affiliate Contracts with North Carolina Residents (H.B. 867 –  
27 Starnes) – The Committee may study the click-through provision and a remote retailer's  
28 obligation to collect sales tax based on affiliate contracts with North Carolina residents.

29 **SECTION 7.6.** Allowing Individuals to Make Donations to the State of North  
30 Carolina for Governmental Services on the Income Tax Return (H.B. 877 – Stevens) – The  
31 Committee may study the issue of allowing individuals to make elections to donate all or part  
32 of their refund to the State of North Carolina for governmental services on their income tax  
33 return. As part of its study, the Committee may consider any governmental services selected by  
34 the Committee and governmental services provided by the following: the Department of  
35 Cultural Resources, the Department of Health and Human Services, the Department of Public  
36 Instruction, the Department of Public Safety, the General Fund of the State of North Carolina,  
37 and The University of North Carolina.

38 **SECTION 7.7.** Tax Amnesty Program (H.B. 830 – Moffitt) – The Committee may  
39 study the creation of a tax amnesty period for taxpayers with overdue tax debts and may study  
40 the proposed law found in the First Edition of House Bill 830 of the 2011 Regular Session.

41 **SECTION 7.8.** Study Food and Lodging Fees (McComas) – The Committee shall  
42 study the administration and financing of the State's food, lodging, and institution sanitation  
43 programs and rules. The study must include both of the following:

- 44 (1) The fee amount necessary to cover the cost of the State program and the  
45 actual operating costs of the local health departments.
- 46 (2) The most efficient manner to set, collect, and remit the fee between the State  
47 and local health departments.

48 **SECTION 7.9.** Tax Modernization (H.B. 248 – Rhyne) – The Committee may do  
49 the following:

- 1 (1) Review the existing State tax code to determine whether the existing tax  
2 system will be sufficient to keep pace with the operating and infrastructure  
3 needs of an effective and efficient public sector.
- 4 (2) Examine current income tax rates to determine whether the rate is negatively  
5 impacting our competitive position.
- 6 (3) Examine the tax bases to determine whether these bases should be  
7 broadened, allowing for a revenue-neutral modernization that produces more  
8 stable revenues during times of economic hardship.
- 9 (4) Evaluate the State's current system of economic incentives to ensure that  
10 each economic incentive in the State's current portfolio is providing a good  
11 return on investment and is effectively recruiting high-value jobs to the  
12 State.
- 13 (5) Study and recommend a permanent financing strategy considering the  
14 foregoing goals and the realities of the present-day economy.

15 **SECTION 7.10.** Tax Reform (H.B. 902 – Jones, Collins, Murry, Folwell) – The  
16 Committee may study the State tax system and may identify potential methods of eliminating  
17 the State income tax while enacting other taxes and tax systems that fairly distribute the tax  
18 burden and generate sufficient revenue to continue to pay for supplying vital services to the  
19 residents of North Carolina.

## 20 21 **PART VIII. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND** 22 **PUBLIC SAFETY**

23 **SECTION 8.1.** The Joint Legislative Oversight Committee on Justice and Public  
24 Safety may study the topics listed in this Part and report its findings, together with any  
25 recommended legislation, to the 2012 Regular Session of the 2011 General Assembly upon its  
26 convening.

27 **SECTION 8.2.** Expunction Statutes (H.B. 273 – Bryant, Guice, Pierce; S.B. 218 –  
28 Hartsell, Dannelly, Jones) – The Committee may review current expunction statutes relating to  
29 dismissals and findings of not guilty and make recommendations for expunction procedures so  
30 that these types of judicial outcomes are not unfairly prejudicial.

31 **SECTION 8.3.** The Committee may study issues related to reintegration of  
32 offenders following incarceration. Specifically, the Committee may study how North Carolina  
33 and other states address barriers facing ex-offenders in accessing jobs, housing, education,  
34 training, and services and determine best practices that reduce recidivism. In connection with  
35 this study, the Committee may consider and report on all of the following:

- 36 (1) The definition, accuracy, sale, and regulation of criminal records.
- 37 (2) Systemic and legal barriers to employment, housing, education, training, and  
38 services.
- 39 (3) The availability and coordination of needed services and programs for  
40 successful reentry.
- 41 (4) Best practices for reducing recidivism.
- 42 (5) Transitional services for ex-offenders with high and complex needs.
- 43 (6) Use and expansion of drug and mental health courts to divert from prison  
44 people who need treatment.
- 45 (7) A comprehensive review of the collateral consequences for conviction of  
46 criminal offenses, and where appropriate, the clarity, consistency, and  
47 reduction of such consequences along with notice to offenders and court  
48 officials of these consequences.
- 49 (8) The capacity, effectiveness, and replicability of statewide and  
50 community-based programs to meet the risks and needs of both the  
51 supervised and unsupervised population returning from prison.

1 (9) Status of recommendations from the StreetSafe Task Force, Justice  
2 Reinvestment Project, and the Joint Select Committee on Ex-Offender  
3 Reintegration Into Society that was established January 22, 2010.

4 (10) Best practices to address and reduce the disproportionate representation of  
5 people of color in the offender population.

6 **SECTION 8.4.** Pretrial Release (East) – The Committee may study methods for  
7 achieving increased efficiencies and outcomes in the pretrial release process and procedures.

8 **SECTION 8.5.** The Committee may study the State Bureau of Investigation, the  
9 SBI Crime Laboratory, and all other operations of the North Carolina Attorney General's  
10 Office.

11 **SECTION 8.6.** Criminal Record Expunctions (H.J.R. 760 – Committee on Rules,  
12 Calendar, and Operations of the House) – The Commission may study whether current law  
13 strikes an appropriate balance between an employer's need for access to accurate criminal  
14 history information about potential employees and the need for a person who committed a  
15 relatively minor offense in the distant past to obtain employment in spite of the person's  
16 criminal history. If the Legislative Research Commission finds that it may be possible to  
17 achieve a better balance between these interests, then the Legislative Research Commission  
18 may further consider what type of expunction procedure may be developed and implemented  
19 that addresses the interests and concerns of employers, but also affords some appropriate relief  
20 to persons with a relatively minor past criminal conviction. In its study, the Commission may  
21 consider all of the following:

22 (1) The effect of a person's criminal record with regard to a person's ability to  
23 obtain employment.

24 (2) The reasons that an employer may need to know about a potential  
25 employee's criminal record.

26 (3) What types of criminal records may or may not be relevant with regard to  
27 certain types of employment.

28 (4) What criminal offenses, if any, it may be reasonable to allow to be expunged  
29 from a person's record, the time period or other criteria that should be used  
30 to determine whether it is appropriate to allow the expunction, and whether  
31 the offense should be completely erased from the criminal record so that the  
32 person has no criminal record, or retained but limit the accessibility of the  
33 record only for certain purposes.

34 (5) Any other issues the Commission considers relevant to this topic.  
35

## 36 **PART IX. JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT**

37 **SECTION 9.1.** The Joint Legislative Committee on Local Government may study  
38 the topics listed in this Part and report its findings, together with any recommended legislation,  
39 to the 2012 Regular Session of the 2011 General Assembly upon its convening.

40 **SECTION 9.2.** Reuse of Existing Commercial Buildings (McCormick) – The  
41 Committee may study adaptive reuse of existing commercial buildings by focusing on  
42 cost-effective solutions to allow reuse while not jeopardizing life safety concerns.

43 **SECTION 9.3.** Procedure for Incorporating Municipalities (S.B. 515 – Hartsell) –  
44 The Commission may study the procedure for incorporating municipalities, including the  
45 adequacy of the current procedure as provided in Article 20 of Chapter 120 of the General  
46 Statutes.  
47

## 48 **PART X. JOINT REGULATORY REFORM COMMITTEE**

49 **SECTION 10.1.** The Joint Regulatory Reform Committee may study the topics  
50 listed in this Part and report its findings, together with any recommended legislation, to the  
51 2012 Regular Session of the 2011 General Assembly upon its convening.

1           **SECTION 10.2.** Auto Safety Glass Repair (S.B. 678 – Rouzer, Bingham) – The  
2 Committee may study the reform of auto safety glass repair and the role of steering by  
3 third-party administrators.

4           **SECTION 10.3.** Occupational Licensing (H.B. 587 – Bradley, H. Warren, Torbett,  
5 Hastings) – The Commission may:

- 6           (1) Identify outdated and unnecessary occupational licensing laws that should be  
7           repealed.
- 8           (2) Identify existing occupations that are regulated that do not require licensing.
- 9           (3) Study alternatives to occupational licensing laws that would work  
10           effectively.
- 11           (4) Study to what extent occupational licensing laws create barriers for  
12           individuals, including low-income individuals, from entering into new  
13           occupations.
- 14           (5) Study any other matters that the Commission deems relevant.

## 16 **PART XI. JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT** 17 **COMMITTEE**

18           **SECTION 11.1.** The Joint Legislative Program Evaluation Oversight Committee  
19 may direct the Program Evaluation Division of the North Carolina General Assembly to study  
20 the topics listed in this Part and report its findings, together with any recommended legislation,  
21 to the 2012 Regular Session of the 2011 General Assembly upon its convening.

22           **SECTION 11.2.** Motor Fleet Management (S.B. 158 – Bingham) – The Committee  
23 shall include in the 2011-2012 Work Plan for the Program Evaluation Division of the General  
24 Assembly a study to evaluate the State's motor fleet management program in the Department of  
25 Administration to determine if any cost savings can be effected by changing current operating  
26 procedures and to develop any plans or practices that, if implemented, would result in increased  
27 operating efficiency of the State's motor fleet management program.

28           **SECTION 11.3.** Community College Administration (S.B. 408 – Hartsell, Clary,  
29 Clodfelter) – The Committee shall include in the 2010-2011 Work Plan for the Program  
30 Evaluation Division of the General Assembly a study of the most efficient and effective way to  
31 administer the local community colleges system. In the course of the study, the Program  
32 Evaluation Division shall consider the advisability of consolidating community college  
33 administration and strategies for ensuring access for students.

34           **SECTION 11.4.** North Carolina Department of Environment and Natural  
35 Resources' Handling of Alcoa Contamination (S.B. 626 – Hartsell, Bingham) – The Committee  
36 shall include in the 2011-2012 Work Plan for the Program Evaluation Division of the General  
37 Assembly a study of the progress of cleanup and the Department of Environment and Natural  
38 Resources' handling of contamination at the facility owned by Alcoa Power Generating, Inc.,  
39 and the surrounding area, located in the Town of Badin in Stanly County.

40           **SECTION 11.5.** License Plate Agency Contracts (S.B. 661 – Bingham) – The  
41 Committee shall include in the 2011-2012 Work Plan for the Program Evaluation Division of  
42 the General Assembly a study and evaluation of the Division of Motor Vehicles' Commission  
43 Contract for the Issuance of Plates and Certificates program, authorized in G.S. 20-63(h), to  
44 determine the cost-effectiveness and savings that can be effected by changing or maintaining  
45 the current operating procedures and to develop any plans or practices that, if implemented,  
46 would result in increased operating efficiency of the Division of Motor Vehicles' Commission  
47 Contract program.

48           **SECTION 11.6.** Consolidation of Administrative Functions Among County  
49 Departments of Social Services (S.B. 410 – Hartsell, Clary, Clodfelter) – The Committee shall  
50 include in the 2011-2012 Work Plan for the Program Evaluation Division of the General  
51 Assembly a study of the consolidation of administrative functions among county departments

1 of social services. In conducting the study, the Program Evaluation Division shall identify  
2 opportunities for functional consolidation, affected administrative functions, estimated cost  
3 savings, and requisite policy changes, if applicable, to accommodate the consolidation of  
4 administrative functions among county departments of social services. The Department of  
5 Health and Human Services, Division of Social Services, shall not consolidate these  
6 administrative functions except as directed by an act of the General Assembly.

7 **SECTION 11.7.** Current Structure of Governance Among Area Authorities  
8 Organized Under Chapter 122C of the General Statutes (S.B. 465 – Hartsell) – The Committee  
9 shall include in the 2011-2012 Work Plan for the Program Evaluation Division of the General  
10 Assembly a study of the impact of Medicaid waivers, LME consolidation, and LME expansion  
11 on the current governance model for area authorities, single-county programs, and multicounty  
12 programs established under Chapter 122C of the North Carolina General Statutes.

13 **SECTION 11.8.** Transportation Process and Funding (H.B. 811 – Torbett) – The  
14 Committee shall direct the Program Evaluation Division to assess the Department of  
15 Transportation's road construction processes, from project inception to project completion,  
16 including design and engineering, median placement process, and maintenance and repair  
17 projects, to determine if any cost savings can be effected by changing current operating  
18 procedures, by modifying the purchasing of building materials, including quantity and quality,  
19 by evaluating land purchases or condemnations and the laws, rules, and regulations for land  
20 acquisition for easements or setbacks, by evaluating the current and future financing factors  
21 associated with transportation projects, by evaluating the selection of transportation projects  
22 and vendors for the build process, by evaluating the environmental study process, by evaluating  
23 the process for time calculations from project start to finish, including the contracting process,  
24 and the development of any other plans or practices that, if implemented, would result in  
25 increased operating efficiency of the Department of Transportation's road construction process,  
26 including the maintenance and repairs program.

27 **SECTION 11.9.** Spectral Fluorescence Signature (SFS) Drug Analysis (H.B. 756 –  
28 Hamilton, McComas, Faircloth, Jordan) – The Committee shall include in the 2011-2012 Work  
29 Plan for the Program Evaluation Division of the General Assembly a study of the use of  
30 spectral fluorescence signature (SFS) drug analysis as evidence in court and as a method of  
31 reducing time between arrest and adjudication.

## 32 **PART XII. JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE**

33 **SECTION 12.1.** The Joint Legislative Elections Oversight Committee may study  
34 the topics listed in this Part and report its findings, together with any recommended legislation,  
35 to the 2012 Regular Session of the 2011 General Assembly upon its convening.

36 **SECTION 12.2.** Feasibility of Requiring Certain Reports to Be Filed  
37 Electronically (H.B. 346 – Randleman) – The Committee shall study the feasibility and  
38 applicability of requiring electronic filing of all reports required to be filed with the State Board  
39 of Elections under G.S. 163-278.9, regardless of the amount.

## 40 **PART XIII. JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL 41 OPERATIONS**

42 **SECTION 13.1.** The Joint Legislative Commission on Governmental Operations  
43 may study the topics listed in this Part and report its findings, together with any recommended  
44 legislation, to the 2012 Regular Session of the 2011 General Assembly upon its convening.

45 **SECTION 13.2.** Nonprofit Corporations (H.B. 100 – L. Brown, Cleveland; S.B.  
46 460 – Brock) – The Commission may study and recommend the criteria for awarding grants to  
47 non-State entities that are nonprofit corporations. At a minimum, the Commission may consider  
48 the following in its study:  
49  
50

- 1 (1) That at least thirty-five percent (35%) of the funding for a nonprofit  
2 corporation receiving State funds should come from private sources.
- 3 (2) That the administrative expenses of a nonprofit corporation receiving State  
4 funds do not exceed fifteen percent (15%) of the total budget or receipts for  
5 the nonprofit corporation.
- 6 (3) Possible sanctions for nonprofits receiving State funds that fail to meet the  
7 criteria established by the State.
- 8 (4) Any other matters the Committee deems appropriate.

9 **SECTION 13.3.** Compensation of State Boards and Commissions Employees  
10 (H.B. 836 – McElraft) – The Commission may examine the compensation of the employees  
11 serving various State boards and commissions created by the General Statutes to determine the  
12 need to modify any of those compensation schemes in order to maximize the efficiency and  
13 effectiveness of State government. This examination may include, but is not limited to,  
14 reviewing the compensation and benefits of employees of the Lottery Commission, the  
15 Banking Commission, and the Credit Union Commission. Specifically, the Commission may  
16 study all of the following with respect to the compensation of State board and commission  
17 employees:

- 18 (1) Pay, benefits, classification, and banding plans afforded those employees  
19 compared to (i) the compensation of other State employees and (ii) the  
20 compensation of similar positions and persons in other states.
- 21 (2) Factors affecting how State boards and commissions make employee  
22 compensation decisions, including justifications for any salaries and benefits  
23 that appear to be excessive or unwarranted.
- 24 (3) Costs and effects of differing, alternative, or special compensation systems  
25 established by boards and commissions upon State government as a whole.
- 26 (4) Any other matters the Committee finds appropriate.

#### 27 **PART XIV. NORTH CAROLINA COURTS COMMISSION**

28 **SECTION 14.1.** The North Carolina Courts Commission may study the topics  
29 listed in this Part and report its findings, together with any recommended legislation, to the  
30 2012 Regular Session of the 2011 General Assembly upon its convening.

31 **SECTION 14.2.** Organization of the General Court of Justice (H.B. 900 – Haire) –  
32 The Commission shall study the current state of the General Court of Justice, focusing on the  
33 sentencing laws, workloads, case backlogs, and other issues relevant to the effective and  
34 efficient administration of justice and determine whether the current organization and operation  
35 of the State court system is in need of revision or adjustment in order to better serve the  
36 interests of justice. In conducting its study, the Courts Commission shall consult with the  
37 North Carolina Sentencing and Policy Advisory Commission, the National Center for State  
38 Courts, and any other agencies or entities the Commission deems appropriate to the conduct of  
39 its study.  
40

#### 41 **PART XV. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES,** 42 **DIVISION OF WATER QUALITY TO STUDY RECLAIMED WATER ISSUES (S.B.** 43 **606 – Stein, Stevens, Hunt)**

44 **SECTION 15.1.** The Division of Water Quality in the Department of Environment  
45 and Natural Resources shall study issues regarding the use of reclaimed water, the current  
46 permitting requirements for the discharge of wastewater and reclaimed water, and possible  
47 revisions to the permitting system that shall help to accommodate and encourage the beneficial  
48 use of reclaimed water while protecting against any potential threat to the environment or  
49 public health resulting from the use, overflow, or discharge of reclaimed water. The Division  
50 shall also consider other issues it considers relevant to this study. The Division of Water  
51

1 Quality shall conduct the study in conjunction with those persons and entities that the Division  
2 of Water Quality, in its discretion, deems to be stakeholders on these issues and shall provide  
3 the stakeholders an opportunity to express their concerns, comments, and suggestions regarding  
4 the issues and possible resolutions for those issues.

5 **SECTION 15.2.** The Division of Water Quality shall report its findings and  
6 recommendations, including any legislative recommendations, to the Environmental Review  
7 Commission by December 31, 2011.

8  
9 **PART XVI. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO**  
10 **STUDY OIL AND GAS EXPLORATION IN THE STATE (S.B. 615 – Atwater, Blake)**

11 **SECTION 16.1.** The Department of Environment and Natural Resources shall  
12 study the issue of oil and gas exploration in the State. The Department shall report its findings  
13 and recommendations, including specific legislative proposals, to the Environmental Review  
14 Commission no later than October 1, 2011. At a minimum, the study shall include information  
15 on the following:

- 16 (1) Oil and gas reserves present in the Triassic Basin and in any other areas of  
17 the State.
- 18 (2) Methods of exploration and extraction of oil and gas, including hydraulic  
19 fracturing.
- 20 (3) Environmental impacts that shall result from exploration or extraction of oil  
21 and gas, and regulatory requirements advisable to address potential  
22 environmental impacts. In examining this issue, the Department shall gather  
23 information on regulatory programs in other states where oil and gas  
24 exploration or extraction is occurring, particularly with regard to the use of  
25 hydraulic fracturing for that purpose.
- 26 (4) Information on possible sources of revenue that could accrue to the benefit  
27 of the State in the event that drilling exploration for oil or natural gas were to  
28 take place in the State, including what taxes, fees, royalties, bonds, or  
29 assessments shall be appropriate in connection with the activity.

30  
31 **PART XVII. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO**  
32 **REPORT ON EFFECTS ON GROUND WATER QUALITY WHEN ALKALINE**  
33 **HYDROLYSIS IS USED AS A MEANS OF DISPOSAL OF HUMAN REMAINS (H.B.**  
34 **703 – K. Alexander)**

35 **SECTION 17.1.** The Department of Environment and Natural Resources  
36 (Department) is directed to prepare a report of the effects on ground water quality when  
37 alkaline hydrolysis is used as a means of disposal of human remains, with emphasis on any  
38 changes in pH and lipids generated by discharge into municipal stormwater systems or private  
39 systems or directly into surface waters. The Department shall report its findings to the North  
40 Carolina Board of Funeral Service and the House of Representatives Environment Committee  
41 no later than February 1, 2012. No person shall use alkaline hydrolysis as a means of disposal  
42 of human remains in this State until the study conducted pursuant to this section is completed  
43 and the Department has adopted rules for the use of the process.

44  
45 **PART XVIII. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
46 **TO STUDY THE ISSUE OF OIL AND GAS EXPLORATION IN THE STATE AND**  
47 **THE USE OF DIRECTIONAL AND HORIZONTAL DRILLING AND HYDRAULIC**  
48 **FRACTURING (H.B. 242 – Stone, Gillespie)**

49 **SECTION 18.1.** The Department of Environment and Natural Resources shall  
50 study the issue of oil and gas exploration in the State and the use of directional and horizontal  
51 drilling and hydraulic fracturing for that purpose. The Department shall report its findings and

1 recommendations, including specific legislative proposals, to the Environmental Review  
2 Commission no later than May 1, 2012. At a minimum, the study shall include information on  
3 the following:

- 4 (1) Oil and gas reserves present in the Triassic Basins and in any other areas of  
5 the State.
- 6 (2) Methods of exploration and extraction of oil and gas, including directional  
7 and horizontal drilling and hydraulic fracturing.
- 8 (3) Potential impacts on infrastructure, including roads, pipelines, and water and  
9 wastewater services. In analyzing potential impacts, the Department shall  
10 specifically examine the expected water usage from hydraulic fracturing,  
11 water resources in the area in which drilling shall occur, as well as existing  
12 water users in the area that shall be impacted by increased consumption of  
13 water for use in hydraulic fracturing.
- 14 (4) Potential environmental impacts, including constituents or contaminants that  
15 shall be present in the fluid used in the hydraulic fracturing process; the  
16 potential for the contamination of nearby wells and groundwater, as well as  
17 the options for disposal and reuse of the wastewater produced; stormwater  
18 management; the potential for emission of toxic air pollutants; impacts on  
19 wildlife; management and reclamation of drilling sites, including orphaned  
20 sites; management of naturally occurring radioactive materials (NORM)  
21 generated by the drilling and production of natural gas; and the potential for  
22 seismic activity in the area in which drilling shall occur. In examining this  
23 issue, the Department shall formulate regulatory requirements advisable to  
24 address potential environmental impacts and in doing so shall gather  
25 information on regulatory programs in other states where oil and gas  
26 exploration or extraction is occurring, particularly with regard to the use of  
27 hydraulic fracturing for that purpose.
- 28 (5) Potential economic impacts, including possible sources of revenue that could  
29 accrue to the benefit of the State in the event that drilling for oil or natural  
30 gas were to take place in the State. In examining this issue, the Department  
31 shall gather information on (i) the number of jobs that shall be expected as a  
32 result from drilling activities in the State and (ii) what severance taxes, fees,  
33 royalties, bonds, or assessments shall be appropriate in connection with the  
34 activity. For any sources of revenue that shall be anticipated, the Department  
35 shall evaluate use of the revenue for the following purposes: funds necessary  
36 to implement an oil and gas regulatory program; funds dedicated to the  
37 conservation and preservation of land and water resources; funds dedicated  
38 to remediation of environmental contamination such as the Inactive  
39 Hazardous Sites Cleanup Fund; and funds dedicated to improving water and  
40 wastewater infrastructure across the State.
- 41 (6) Potential social impacts, including impacts of drilling operations on nearby  
42 communities and quality of life within those communities, recreational  
43 activities, and commercial and residential development.
- 44 (7) Potential oversight and administrative issues associated with an oil and gas  
45 regulatory program, including statutory authority necessary for  
46 implementation of such a program; funding requirements necessary to  
47 implement a stable and effective program; criteria for permit issuance or  
48 denial; frequency and scope of inspections; compliance and enforcement  
49 procedures; coordination of agency involvement to ensure efficient  
50 permitting and clear delineation of compliance responsibilities; opportunities  
51 for public participation; and data management.



- 1 (8) Consumer protection and legal issues relevant to oil and gas exploration in  
2 the State, including matters of contract law, mineral leases, and landowner  
3 rights.  
4 (9) Any other pertinent issues that the Department deems relevant to oil and gas  
5 exploration in the State and the use of hydraulic fracturing for that purpose.  
6

7 **PART XIX. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO**  
8 **STUDY THE FEASIBILITY AND DESIRABILITY OF COUNTIES HAVING INPUT**  
9 **IN THE PROCESS OF REGULATING THE LAND APPLICATION OF BIOSOLIDS**  
10 **(Gillespie)**

11 **SECTION 19.1.** The Department of Environment and Natural Resources shall  
12 study the feasibility and desirability of counties having input in the process of any regulating  
13 the land application of biosolids or sludge as defined in G.S. 130A-290 resulting from the  
14 operation of a wastewater treatment facility. In conducting this study and in determining to  
15 what extent counties are able to have a role in this process, the Department shall examine the  
16 requirement under G.S. 143-215.1(a)(9), which requires a person to obtain a permit from the  
17 Environmental Management Commission prior to disposing of sludge resulting from the  
18 operation of a treatment works, including the removal of in-place sewage sludge from one  
19 location and its deposit at another location, consistent with the requirements of the federal  
20 Resource Conservation and Recovery Act. The Department shall also examine any  
21 requirements regarding the regulation of biosolids or sludge application activities under rules  
22 adopted pursuant to G.S. 143-215.1 or any other administrative rules that apply to the  
23 regulation of the land application of biosolids or sludge. This study will identify any federal or  
24 State law, federal regulation, or North Carolina administrative rules that currently prevent or  
25 limit county participation or oversight in the regulation of the land application of biosolids or  
26 sludge resulting from the operation of a wastewater treatment facility. No later than March 1,  
27 2012, the Department of Environment and Natural Resources shall report its findings and any  
28 recommendations and legislative or administrative proposals to the Fiscal Research Division  
29 and to the Environmental Review Commission.  
30

31 **PART XX. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO**  
32 **STUDY IMPLEMENTATION OF STATE AND FEDERAL RULES RELATED TO**  
33 **EMISSIONS OF TOXIC AIR POLLUTANTS (McElraft)**

34 **SECTION 20.1.** The Department of Environment and Natural Resources shall  
35 study implementation of State and federal rules related to emissions of toxic air pollutants. The  
36 study shall include:

- 37 (1) Identification of the permitted sources in North Carolina that emit toxic air  
38 pollutants as identified in rules adopted by the Environmental Management  
39 Commission and the permitted sources that emit hazardous air pollutants  
40 regulated under federal rules set out in 40 C.F.R. Parts 61 and 63 as  
41 amended.  
42 (2) An explanation of the scope of the federal program regulating hazardous air  
43 pollutants as compared to the State air toxics program, including any  
44 differences in the sources and pollutants regulated under each program.  
45 (3) A comparison of how the State and federal programs take public health  
46 impacts into consideration.  
47 (4) An analysis of any co-benefits of installing pollution control equipment  
48 required to comply with federal rules in reducing emissions of toxic air  
49 pollutants regulated under the state air toxics program.  
50 (5) A description of the additional pollution controls, operating conditions,  
51 modeling, or other measures required as a result of applying State air toxics

1 rules to a source regulated under 40 C.F.R. Parts 61 and 63 as amended,  
2 including the incremental costs and benefits of those additional controls,  
3 measures, or modeling.

- 4 (6) Any other information relevant to an evaluation of the State air toxics  
5 program as applied to sources regulated under 40 C.F.R. Parts 61 and 63 as  
6 amended.

7 **SECTION 20.2.** In conducting the study, the Department shall request input from  
8 industries and utilities that have permitted sources of air pollutants regulated under 40 C.F.R.  
9 Parts 61 and 63 as amended or under State air toxics rules; local government; and individuals or  
10 agencies with expertise in the environmental and public health effects of those pollutants. The  
11 Department shall report the results of its study, including any recommendations for legislation,  
12 to the Environmental Review Commission of the General Assembly no later than May 1, 2012.  
13

14 **PART XXI. RESERVED**

15  
16 **PART XXII. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY A**  
17 **REVISED PROCESS FOR COLLECTING DATA TO DEVELOP A WAITING LIST**  
18 **OF PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES (S.B.**  
19 **333 – Nesbitt)**

20 **SECTION 22.1.** By September 1, 2011, the Department of Health and Human  
21 Services (Department) shall study and submit a report to the Joint Legislative Oversight  
22 Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services on a  
23 revised process for collecting data to develop a waiting list of persons with intellectual or  
24 developmental disabilities who are waiting for specific services. The revised process shall  
25 ensure all of the following:

- 26 (1) A simple, nonduplicated count of children and adults with intellectual or  
27 developmental disabilities across the State who are waiting for federally and  
28 State-funded services.  
29 (2) A research-based waiting list supported by data that accurately reflects the  
30 number of individuals waiting for categories of services currently available  
31 in this State.  
32 (3) Data showing the number of individuals who are potentially eligible to  
33 receive services under the CAP-MR/DD Waiver.

34 **SECTION 22.2.** Beginning September 30, 2012, and annually thereafter, the  
35 Department shall submit a report to the Joint Legislative Oversight Committee on Mental  
36 Health, Developmental Disabilities, and Substance Abuse Services on the waiting list data  
37 collected from each local management entity. The report shall include (i) an analysis of any  
38 service gaps revealed by the data, broken down by geographic location, age, and disability, and  
39 (ii) plans to address these service gaps.  
40

41 **PART XXIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY**  
42 **RECOMMENDATION 3.1 FROM THE NORTH CAROLINA INSTITUTE OF**  
43 **MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT**  
44 **POPULATIONS IN ADULT CARE HOMES (S.B. 422 – Bingham)**

45 **SECTION 23.1.** The Department of Health and Human Services shall study  
46 Recommendation 3.1 from the North Carolina Institute of Medicine Task Force on the  
47 Co-Location of Different Populations in Adult Care Homes. The recommendation suggests  
48 that the Department develop a pilot program to evaluate the costs, quality, consumer  
49 satisfaction, and patient outcomes of a program that supports individuals who are in an adult or  
50 family care home and who want to move back into independent supported housing. The

1 Department shall, but is not limited to, evaluate and report on the elements below that are  
2 contained in the recommendation:

- 3 (1) The feasibility, fiscal implication, and appropriate timing of the submission  
4 of a Medicaid 1915(i) State plan amendment or 1915(c) Home and  
5 Community-Based Services waiver to support individuals living in adult or  
6 family care homes for 90 or more days who would like to move back to  
7 more independent living arrangements.
- 8 (2) The feasibility and cost of developing and implementing a process to  
9 evaluate residents of adult care homes to determine whether they can live  
10 independently in the community with services, supports, counseling, and  
11 transition services.
- 12 (3) The policy implications, impact on current programs, and cost of developing  
13 and implementing an additional Special Assistance program option that  
14 would be similar to the existing Special Assistance in-home program but  
15 exempt from the limits established in S.L. 2007-323. The Department should  
16 explore whether this program could be targeted to address concerns the Task  
17 Force raised on co-location.
- 18 (4) A time line for implementing the pilot with all of the above elements in  
19 place or a time line for phased implementation of the pilot. This time line  
20 shall include evaluation of the pilot as described in the Task Force  
21 recommendation.
- 22 (5) The fiscal requirements necessary to provide technical assistance to adult  
23 care homes interested in creating financially viable models to support people  
24 living more independently as recommended by the Task Force.
- 25 (6) The existence of statutory and regulatory barriers to independent living for  
26 people with disabilities.
- 27 (7) The goal and intended outcome of this pilot program.

28 **SECTION 23.2.** On or before October 1, 2012, the Department shall report on the  
29 elements outlined in this section to the North Carolina Study Commission on Aging and the  
30 Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and  
31 Substance Abuse Services.  
32

33 **PART XXIV. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY**  
34 **RECOMMENDATION 3.1 FROM THE NORTH CAROLINA INSTITUTE OF**  
35 **MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT**  
36 **POPULATIONS IN ADULT CARE HOMES (H.B. 108 – Farmer-Butterfield, Weiss,**  
37 **Earle, Hurley)**

38 **SECTION 24.1.** The Department of Health and Human Services shall study  
39 Recommendation 3.1 from the North Carolina Institute of Medicine Task Force on the  
40 Co-Location of Different Populations in Adult Care Homes. The recommendation suggests  
41 that the Department develop a pilot program to evaluate the costs, quality, consumer  
42 satisfaction, and patient outcomes of a program that supports individuals who are in an adult or  
43 family care home and who want to move back into independent supported housing. The  
44 Department shall, but is not limited to, evaluate and report on the elements below that are  
45 contained in the recommendation:

- 46 (1) The feasibility, fiscal implication, and appropriate timing of the submission  
47 of a Medicaid 1915(i) State plan amendment or 1915(c) Home and  
48 Community-Based Services waiver to support individuals living in adult or  
49 family care homes for 90 or more days who would like to move back to  
50 more independent living arrangements.

- 1 (2) The feasibility and cost of developing and implementing a process to  
2 evaluate residents of adult care homes to determine whether they can live  
3 independently in the community with services, supports, counseling, and  
4 transition services.
- 5 (3) The policy implications, impact on current programs, and cost of developing  
6 and implementing an additional Special Assistance program option that  
7 would be similar to the existing Special Assistance in-home program but  
8 exempt from the limits established in S.L. 2007-323. The Department should  
9 explore whether this program could be targeted to address concerns the Task  
10 Force raised on co-location.
- 11 (4) A time line for implementing the pilot with all of the above elements in  
12 place or a time line for phased implementation of the pilot. This time line  
13 shall include evaluation of the pilot as described in the Task Force  
14 recommendation.
- 15 (5) The fiscal requirements necessary to provide technical assistance to adult  
16 care homes interested in creating financially viable models to support people  
17 living more independently as recommended by the Task Force.
- 18 (6) The existence of statutory and regulatory barriers to independent living for  
19 people with disabilities.
- 20 (7) The goal and intended outcome of this pilot program.

21 **SECTION 24.2.** On or before October 1, 2012, the Department shall report on the  
22 elements outlined in this section to the North Carolina Study Commission on Aging and the  
23 Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and  
24 Substance Abuse Services.  
25

26 **PART XXV. DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF**  
27 **PUBLIC HEALTH, TO ASSESS CHRONIC DISEASE MANAGEMENT OF STROKE**  
28 **PREVENTION IN ATRIAL FIBRILLATION (H.B. 697 – L. Brown)**

29 **SECTION 25.1.** The Department of Health and Human Services, Division of  
30 Public Health, shall, within available appropriations, assess chronic disease management of  
31 stroke prevention in atrial fibrillation. The Department shall report its findings and  
32 recommendations to the 2012 Regular Session of the 2011 General Assembly upon its  
33 convening.  
34

35 **PART XXVI. DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF**  
36 **PUBLIC HEALTH, TO STUDY THE BENEFITS AND RISKS ASSOCIATED WITH**  
37 **ALLOWING LICENSED HEALTH CARE PRACTITIONERS TO USE**  
38 **ALTERNATIVE MEDICINE IN TREATING PATIENTS (H.B. 412 –**  
39 **Farmer-Butterfield, Parmon, Hall)**

40 **SECTION 26.1.** The Department of Health and Human Services, Division of  
41 Public Health, in consultation with the North Carolina Medical Board, shall study whether  
42 health care practitioners licensed in this State should be allowed to use alternative medicine in  
43 treating patients. As part of this study, the Department shall (i) analyze the benefits and risks  
44 of alternative medicine, (ii) examine the experience of other states that currently allow licensed  
45 health care practitioners to use alternative medicine in treating patients, (iii) make  
46 recommendations about which licensed health care practitioners, if any, should be allowed to  
47 use alternative medicine in treating patients, and (iv) make recommendations about a process  
48 for approving specific types of alternative medicine that shall be used by health care  
49 practitioners in treating patients. The Department shall report its findings to the General  
50 Assembly by December 31, 2011. As used in this section, "alternative medicine" means a group

1 of diverse medical and health care interventions, practices, products, or disciplines that are not  
2 generally considered part of conventional medicine.

3  
4 **PART XXVII. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY A**  
5 **REVISED PROCESS FOR COLLECTING DATA TO DEVELOP A WAITING LIST**  
6 **FOR PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES**  
7 **(H.B. 76 – Earle, Farmer-Butterfield, M. Alexander, Brisson; S.B. 333 – Nesbitt)**

8 **SECTION 27.1.** By September 1, 2011, the Department of Health and Human  
9 Services (Department) shall study and submit a report to the Joint Legislative Oversight  
10 Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services on a  
11 revised process for collecting data to develop a waiting list of persons with intellectual or  
12 developmental disabilities who are waiting for specific services. The revised process shall  
13 ensure all of the following:

- 14 (1) A simple, nonduplicated count of children and adults with intellectual or  
15 developmental disabilities across the State who are waiting for federally and  
16 State-funded services.
- 17 (2) A research-based waiting list supported by data that accurately reflects the  
18 number of individuals waiting for categories of services currently available  
19 in this State.
- 20 (3) Data showing the number of individuals who are potentially eligible to  
21 receive services under the CAP-MR/DD Waiver.

22 **SECTION 27.2.** Beginning September 30, 2012, and annually thereafter, the  
23 Department shall submit a report to the Joint Legislative Oversight Committee on Mental  
24 Health, Developmental Disabilities, and Substance Abuse Services on the waiting list data  
25 collected from each local management entity. The report shall include (i) an analysis of any  
26 service gaps revealed by the data, broken down by geographic location, age, and disability, and  
27 (ii) plans to address these service gaps.

28  
29 **PART XXVIII. RESERVED**

30  
31 **PART XXIX. RESERVED**

32  
33 **PART XXX. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY**  
34 **SHORT- AND INTERMEDIATE-TERM OPTIONS FOR IMPROVING ECONOMIES**  
35 **AND EFFICIENCIES IN THE PROVISION OF AID AND SERVICES UNDER THE**  
36 **STATE MEDICAID PLAN (Burr)**

37 **SECTION 30.1.** The Department of Health and Human Services shall evaluate and  
38 describe short- and intermediate-term options for improving economies and efficiencies in the  
39 provision of aid and services under the Medicaid plan with respect to services for Medicaid  
40 beneficiaries requiring long-term care services, including beneficiaries who are aged, blind, and  
41 disabled, and those dually eligible for Medicaid and Medicare. By January 2012, the  
42 Department shall present to the House and Senate Appropriations Committees models from  
43 other states that employ strategies not currently utilized in North Carolina, including fully  
44 capitated Medicaid programs. In describing the models, the Department shall discuss expected  
45 or documented savings, the level of community placements compared with institutional care,  
46 and other performance measures. States to be included in the analysis, at a minimum, are  
47 Arizona, New Mexico, Tennessee, and Texas.

48  
49 **PART XXXI. ADVISORY COMMITTEE ON CANCER COORDINATION AND**  
50 **CONTROL IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO**  
51 **STUDY ORAL CANCER THERAPY PARITY**

1           **SECTION 31.1.(a)** The Advisory Committee on Cancer Coordination and Control  
2 (Committee) shall study the issue of oral cancer therapy parity and specifically review the  
3 issues specified in Section 31.2 of this act.

4           **SECTION 31.1.(b)** The Committee shall establish committees for the purpose of  
5 making special studies pursuant to its duties and shall appoint nonmembers to serve on each  
6 committee as resource persons. Resource persons shall be voting members of the committees  
7 and shall receive subsistence and travel expenses to the extent that funds are made available in  
8 accordance with G.S. 130-3.1, 138-5, and 138-6, as applicable. Committees shall meet with the  
9 frequency needed to accomplish the purposes of this Part.

10           **SECTION 31.2.** The Committee shall study the following issues related to oral  
11 cancer treatment parity:

- 12           (1) Review current insurance coverage practices in North Carolina for oral  
13 cancer therapies and IV/injected therapies including:
  - 14           a. Identify out of pocket costs to plan enrollees for oral cancer therapies  
15 and IV/injected cancer therapies.
  - 16           b. Identify all medical systems involved and total costs for each in the  
17 delivery of oral and IV/injected cancer therapies.
  - 18           c. Consider patient transportation costs and loss of earnings due to  
19 employment absences that shall result from IV/injected cancer  
20 therapies.
  - 21           d. Examine the impact of out-of-pocket costs on the plan enrollee and  
22 any impact out of pocket costs shall have on the patient's or  
23 physician's choice of therapy.
  - 24           e. Identify impact and consequences, if any, of categorizing oral cancer  
25 chemotherapy as a cancer treatment versus categorization as a  
26 prescriptive drug/medication.
- 27           (2) Examine and identify the limitations of existing North Carolina laws,  
28 regulations, programs, or services with regard to insurance coverage and  
29 awareness issues for oral cancer therapies.
- 30           (3) Review other states' initiatives to ensure insurance coverage for oral cancer  
31 therapies and IV/injected cancer therapies are equal and do not limit access.
- 32           (4) Determine the advantages and disadvantages of oral cancer therapies and  
33 IV/injected cancer therapies.
- 34           (5) Identify out-of-pocket cost disparities for oral versus IV/injected cancer  
35 therapies.
- 36           (6) Determine the impact out-of-pocket costs shall have on therapy decisions by  
37 enrollees and physicians.

38           **SECTION 31.3.** The Committee shall recommend solutions to ensure out of pocket  
39 costs to enrollees do not negatively impact access to desired therapies.

40           **SECTION 31.4.** The Committee shall submit a report on its findings to the Joint  
41 Legislative Health and Human Services Oversight Committee no later than May 1, 2012.

## 42 43 **PART XXXII. WILDLIFE RESOURCES COMMISSION TO STUDY FOX AND** 44 **COYOTE POPULATIONS (H.B. 755 – House Committee on Agriculture)**

45           **SECTION 32.1.** The Wildlife Resources Commission shall undertake a study of  
46 fox and coyote populations in the State and recommend management methods and controls  
47 designed to ensure statewide conservation of fox populations while managing adverse effects of  
48 coyote populations. In conducting the study, the Wildlife Resources Commission shall solicit  
49 input from interested stakeholders, including hunters, trappers, controlled hunting preserve  
50 operators, public health authorities, local governments, the North Carolina Department of  
51 Agriculture and Consumer Services, and private landowners. The Wildlife Resources

1 Commission shall complete its study by April 1, 2012, and submit a report, including any  
2 proposed legislation, to the Speaker of the House of Representatives and the President Pro  
3 Tempore of the Senate, the Chairs of the House Committee on Agriculture, and the Chairs of  
4 the Senate Committee on Agriculture, Environment, and Natural Resources. The Wildlife  
5 Resources Commission shall conduct the study within existing funds.

6  
7 **PART XXXIII. DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF**  
8 **INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS**  
9 **TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER,**  
10 **NATURAL DISASTERS, OR OTHER ACTS OF GOD (H.B. 774 – Committee on Rules,**  
11 **Calendar, and Operations of the House)**

12 **SECTION 33.1.** The Commissioner of Insurance, with the assistance of the  
13 Commissioner of Agriculture, shall study the availability and need for insurance products or  
14 statutory contractual requirements that will enable agricultural contract growers to protect  
15 themselves from financial loss resulting from loss of the contracted animals due to weather,  
16 natural disaster, or other act of God. The Commission shall address, at a minimum, the  
17 following issues:

- 18 (1) The current availability of and need for insurance products to protect  
19 contract growers who have a financial investment in the animals they tend,  
20 even if they do not own the animals.  
21 (2) Standard contract language and terms in common use in the agricultural  
22 contract growing industry, and whether statutory protections or requirements  
23 are necessary to protect agricultural contract growers in the State from  
24 ruinous financial loss due to weather, natural disasters, or other acts of God.

25 The Commissioners shall submit an interim report to the 2012 Regular Session of  
26 the 2011 General Assembly and shall submit a final report of their findings and  
27 recommendations, including any legislative proposals, to the 2013 General Assembly.

28  
29 **PART XXXIV. DEPARTMENT OF TRANSPORTATION TO STUDY THE NC**  
30 **HIGHWAY 54 CORRIDOR IN WAKE COUNTY FROM NC 540 TO NORTHWEST**  
31 **SHALLNARD ROAD (H.B. 589 – Murry, Dollar, Weiss)**

32 **SECTION 34.1.** The Department of Transportation, in conjunction with any  
33 affected Metropolitan Planning Organization or Rural Planning Organization, shall study NC  
34 Highway 54 in Wake County from NC 540 to Northwest Shallnard Road. The study shall  
35 include roadway widening, intersection improvements, potential road relocation outside  
36 railroad rights-of-way, and potential railroad grade separations.

37 **SECTION 34.2.** The Department shall report the initial findings of the study  
38 required by this act to the Joint Legislative Transportation Oversight Committee no later than  
39 October 1, 2012. The Department shall continue to report annually on May 1 until such time as  
40 the study is complete and final recommendations can be made to the Joint Legislative  
41 Transportation Oversight Committee on the master plan and any legislative changes needed to  
42 implement the plan.

43  
44 **PART XXXV. DEPARTMENT OF TRANSPORTATION TO STUDY DEVELOPMENT**  
45 **OF PAVEMENT DESIGN AND CONSTRUCTION STANDARDS FOR SECONDARY**  
46 **ROADS, LOCAL ROADS, AND MUNICIPAL STREETS (Harrington, Frye)**

47 **SECTION 35.1.** The Department of Transportation shall study the development of  
48 pavement design and construction standards specific to secondary roads, local roads, and  
49 municipal streets. These standards shall be applicable to both rigid and flexible pavement types.

50 **SECTION 35.2.** The Department shall report its findings and recommendations to  
51 the Joint Legislative Transportation Oversight Committee no later than March 31, 2012.

1  
2 **PART XXXVI. DEPARTMENT OF CORRECTION TO STUDY CONTRACTING FOR**  
3 **MAINTENANCE SERVICES AT PRISON FACILITIES (H.B. 335 – Guice, Horn, Burr,**  
4 **Daughtry)**

5 **SECTION 36.1.** The Department of Correction shall study the potential benefits  
6 and costs of contracting for maintenance services at prison facilities and report its findings to  
7 the 2013 Session of the General Assembly. The Department shall not expand private  
8 maintenance contracts to additional prison facilities unless authorized by the 2013 Regular  
9 Session of the General Assembly.

10  
11 **PART XXXVII. ADMINISTRATIVE OFFICE OF THE COURTS TO STUDY ISSUES**  
12 **RELATED TO THE SALE OF COURT RECORDS AND TO MAKE**  
13 **RECOMMENDATIONS ON DEFINING THE TERM "CRIMINAL RECORD" BY**  
14 **STATE LAW (H.B. 272 – Bryant, Guice, Frye, and Pierce; S.B. 223 – Hartsell, Dannelly,**  
15 **Jones)**

16 **SECTION 37.1.** The Administrative Office of the Courts shall (i) study issues  
17 related to the sale of court records and how best to ensure the accuracy of the information  
18 available to the customer and to protect a citizen's right to have his or her record expunged and  
19 (ii) review the State's statutes relating to a person's "criminal record" and make  
20 recommendations on defining the term "criminal record" by statute. The Administrative Office  
21 of the Courts shall report its findings and recommendations to the General Assembly no later  
22 than upon the convening of the 2012 Regular Session of the 2011 General Assembly.

23  
24 **PART XXXVIII. ADMINISTRATIVE OFFICE OF THE COURTS TO STUDY**  
25 **METHODS OF APPOINTING MAGISTRATES (H.B. 517 – Stevens, Sager)**

26 **SECTION 38.1.** The Administrative Office of the Courts, in consultation with the  
27 Conference of Superior Court Judges, the Conference of District Court Judges, the Conference  
28 of Clerks of Superior Court, and the North Carolina Magistrates Association, shall study the  
29 issue of whether the State constitutional provision that the senior resident superior court judge  
30 shall appoint magistrates from nominations by the Clerk of Superior Court should continue as  
31 the method for appointment of magistrates, or whether an amendment to the State Constitution  
32 to provide for a different method would be both practical in light of the current responsibilities  
33 of officers of the court and lead to better efficiencies in the administration of justice. The  
34 Administrative Office of the Courts shall submit a report of its findings and recommendations,  
35 including any legislative recommendations, to the 2012 Regular Session of the 2011 General  
36 Assembly upon its convening.

37  
38 **PART XXXIX. SENTENCING AND POLICY ADVISORY COMMISSION TO STUDY**  
39 **THE ISSUES SURROUNDING CHILDREN OF INCARCERATED PARENTS (H.B.**  
40 **699 – Bordsen)**

41 **SECTION 39.1.** The North Carolina Sentencing and Policy Advisory Commission  
42 shall study the issues relating to children of incarcerated parents. In conducting its study, the  
43 Commission shall examine the immediate and long-term effects of parental incarceration on the  
44 care, education, health, and life outcomes of children, look at what is currently being done in  
45 North Carolina to assist these children and their parents, determine if other measures are  
46 needed, and review any other matters as the Committee deems relevant to this study.

47 **SECTION 39.2.** The Commission shall report to the General Assembly no later  
48 than 30 days before the convening of the 2012 Regular Session of the 2011 General Assembly.

49  
50 **PART XL. GENERAL STATUTES COMMISSION TO STUDY AND RECOMMEND**  
51 **CHANGES TO THE GENERAL STATUTES TO PROVIDE FOR THE ORDERLY**



1 **AND EXPEDITIOUS REMOVAL BY A LANDLORD OF THE PERSONAL**  
2 **PROPERTY OF A DECEASED PERSON (H.B. 493 – Howard, Blust, Randleman)**

3 **SECTION 40.1.** The General Statutes Commission shall study and recommend to  
4 the 2012 Regular Session of the 2011 General Assembly changes to the General Statutes to  
5 provide for the orderly and expeditious removal by a landlord of the personal property of a  
6 deceased tenant where the heirs are not readily identifiable or available to take possession of  
7 that personal property.  
8

9 **PART XLI. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH**  
10 **CAROLINA TO STUDY THE ENROLLMENT CHANGE FUNDING FORMULA**  
11 **CURRENTLY USED BY THE UNIVERSITY SYSTEM TO PREDICT ITS**  
12 **ENROLLMENT GROWTH AND ESTIMATE ITS FUNDING NEEDS (H.B. 252 –**  
13 **Crawford; S.B. 255 – Hartsell)**

14 **SECTION 41.1.(a)** The Board of Governors of The University of North Carolina,  
15 with the assistance of General Administration, shall study and thoroughly examine the  
16 enrollment change funding formula currently used by The University System to predict its  
17 enrollment growth and estimate its funding needs. The purpose of the study is to consider and  
18 evaluate possible modifications to the formula that would simplify and standardize the  
19 enrollment projection process and yield more accurate funding requests.

20 As part of its study, the Board of Governors shall do all of the following:

- 21 (1) Consider the recommendations set out in the final report to the Joint  
22 Legislative Program Evaluation Oversight Committee (Report Number  
23 2010-05), dated November 17, 2010, regarding modification of The  
24 University of North Carolina enrollment change funding formula.
- 25 (2) Consider simplifying and standardizing the enrollment projection process for  
26 the enrollment change funding formula.
- 27 (3) Reexamine and justify funding factors for libraries and general institutional  
28 support.
- 29 (4) Consider whether to adopt the weighted cost per student credit hour (SCH)  
30 as recommended by the Program Evaluation Division of the General  
31 Assembly or develop an approach that achieves the aim of retaining the  
32 formula granularity but reduces projection error.
- 33 (5) Consider what modifications shall be made to the formula to improve the  
34 ability of each campus to analyze the accuracy of its enrollment projections,  
35 correct errors in those projections at an earlier date, and adjust funding  
36 requests before the requests are included in the campus's base operating  
37 budget, which is used as a component by the Board of Governors in  
38 developing and preparing the budget request for The University of North  
39 Carolina that is submitted to the Governor and the General Assembly  
40 pursuant to G.S. 116-11(9).

41 **SECTION 41.1.(b)** Based on its study and evaluations conducted pursuant to this  
42 Part, the Board of Governors shall develop a revised enrollment change funding model,  
43 including enrollment projection process, revised cost factors, and resulting weighted cost per  
44 student credit hour (SCH) or similar approach, and present that revised enrollment change  
45 funding model by June 30, 2011, to the General Assembly for its consideration.  
46

47 **PART XLII. DEPARTMENT OF JUSTICE, CONSUMER PROTECTION DIVISION**  
48 **TO COORDINATE A TASK FORCE ON FRAUD AGAINST OLDER ADULTS (H.B.**  
49 **110 – Farmer-Butterfield, Weiss, Pierce, Hurley; S.B. 449 – Bingham)**

50 **SECTION 42.1.(a)** The Consumer Protection Division, Department of Justice,  
51 shall coordinate a Task Force on Fraud Against Older Adults. The Task Force shall include

1 representatives from the Consumer Protection Division, Department of Justice; Division of  
2 Aging and Adult Services, Department of Health and Human Services; North Carolina Senior  
3 Consumer Fraud Task Force; North Carolina Association of County Directors of Social  
4 Services; the Banking Commission; and other associations as approved by the Consumer  
5 Protection Division.

6 **SECTION 42.1.(b)** The Task Force shall include, but should not be limited to,  
7 examination of the following issues:

- 8 (1) Identifying, clarifying, and strengthening laws to provide older adults a  
9 broader system of protection against abuse and fraud.
- 10 (2) Establishing a statewide system to enable reporting on incidents of fraud and  
11 mistreatment of older adults.
- 12 (3) Identifying opportunities for partnership among the Banking Commission,  
13 the financial management industry, and law enforcement agencies to prevent  
14 fraud against older adults.
- 15 (4) Granting the Attorney General authority to initiate prosecutions for fraud  
16 against older adults.

17 **SECTION 42.1.(c)** The Task Force shall make an interim report to the North  
18 Carolina Study Commission on Aging on or before November 1, 2011, and a final report,  
19 including findings, recommendations, and draft legislation, on or before October 1, 2012.  
20

#### 21 **PART XLIII. DIVISION OF MOTOR VEHICLES TO STUDY THE DESIRABILITY** 22 **OF REQUIRING DRIVER EDUCATION FOR ALL DRIVERS (H.B. 665 – Boles)**

23 **SECTION 43.1.** The Division of Motor Vehicles, in collaboration with the North  
24 Carolina State Highway Patrol and the Governor's Highway Safety Program, shall study the  
25 desirability of requiring all drivers to complete an approved driver education course before  
26 being issued a North Carolina drivers license. The study shall also consider how the  
27 requirement would apply to a person moving into this State with a valid drivers license issued  
28 by another state. The Division shall submit a report of its findings and recommendations to the  
29 General Assembly no later than March 1, 2012.  
30

#### 31 **PART XLIV. DEPARTMENT OF COMMERCE, IN CONJUNCTION WITH NORTH** 32 **CAROLINA UTILITIES COMMISSION AND NORTH CAROLINA SOLAR CENTER,** 33 **TO STUDY THE PROMOTION OF OFFSHORE WIND ENERGY GENERATION** 34 **OFF THE COAST OF NORTH CAROLINA (McCormick)**

35 **SECTION 44.1.** The Department of Commerce, in conjunction with the North  
36 Carolina Utilities Commission and the North Carolina Solar Center, shall jointly study the  
37 desirability and feasibility of promoting offshore wind energy generation off the coast of North  
38 Carolina in order to encourage and foster economic and job development in the State. The  
39 Department of Commerce shall act as the lead agency for this study. The study shall address  
40 the potential for job creation and business recruitment related to equipment manufacturing,  
41 construction, and the operation of offshore wind generation projects in addition to any other  
42 matters that are deemed appropriate in conducting this study. The study shall also consider the  
43 competitive nature of the potential for offshore wind energy on the eastern coast of the United  
44 States.

45 **SECTION 44.2.** The Department of Commerce, the Utilities Commission, and the  
46 North Carolina Solar Center shall jointly submit a final report that includes findings and any  
47 recommendations to the Joint Legislative Utility Review Committee and the Environmental  
48 Resources Commission on or before December 1, 2011.  
49

#### 50 **PART XLV. JOINT LEGISLATIVE STUDY COMMISSION ON PROPERTY** 51 **INSURANCE RATE MAKING (S.B. 716 – Brown)**

1           **SECTION 45.1.** There is created the Joint Legislative Study Commission on  
2 Property Insurance Rate Making. The purpose of the Commission is to study the adequacy of  
3 citizen input in property insurance rate making and the manner in which property insurance  
4 rates are proposed, reviewed, approved, and appealed.

5           **SECTION 45.2.** The Commission shall consist of 14 members appointed as  
6 follows:

- 7           (1) The Commissioner of Insurance or his or her designee, serving ex officio.
- 8           (2) A representative of the North Carolina Rate Bureau.
- 9           (3) A representative of the North Carolina Insurance Underwriting Association.
- 10          (4) Three members appointed by the Governor, to include one member of the  
11 general public who resides in the coastal area or beach areas of the State. For  
12 purposes of this subdivision, "coastal area" and "beach area" shall have the  
13 definitions specified by G.S. 58-45-5.
- 14          (5) Four members appointed by the Speaker of the House of Representatives, to  
15 include three members of the House of Representatives and one member  
16 who is a qualified independent casualty actuary.
- 17          (6) Four members appointed by the President Pro Tempore of the Senate, to  
18 include three members of the Senate and one person who represents the  
19 interests of insurance agents.

20           Vacancies on the Commission shall be filled by the appointing authority. A quorum  
21 of the Commission shall consist of eight members.

22           The Speaker of the House of Representatives and the President Pro Tempore of the  
23 Senate shall each appoint a cochair for the Commission. The Commission may meet at any  
24 time upon the joint call of the cochairs.

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

30           The Commission may contract for professional, clerical, or consultant services as  
31 provided by G.S. 120-32.02.

32           **SECTION 45.3.** Purpose. – The Commission shall study the following:

- 33           (1) The feasibility and advisability of replacing the North Carolina Rate Bureau  
34 with a market-based rate-setting system or with a regulatory commission  
35 similar to the North Carolina Utilities Commission.
- 36           (2) The adequacy under current law of legislative oversight of the Rate Bureau,  
37 the North Carolina Joint Underwriting Association, and the North Carolina  
38 Insurance Underwriting Association.
- 39           (3) The adequacy under current law of Commissioner of Insurance duties  
40 pertaining to protection of policyholders and the public against the adverse  
41 effects of excessive, inadequate, or unfairly discriminatory rates.
- 42           (4) Whether North Carolina citizens and policyholders should be given a voice  
43 in rate appeals under G.S. 58-2-80 through creation of a board or office  
44 independent of the Commissioner with standing to advocate on behalf of  
45 citizens and policyholders.
- 46           (5) The adequacy of the review process afforded by G.S. 58-36-1(2) to persons  
47 affected by a rate or loss costs made by the Rate Bureau.
- 48           (6) Whether information provided to the public by the Commissioner and the  
49 Rate Bureau is adequate to allow reasoned review by interested citizens of  
50 the assumptions, modeling, and processes used in setting rates.

1 (7) Study any other matters pertaining to statewide property insurance rates that  
2 the Commission deems relevant.

3 **SECTION 45.4.** Staff. – Upon approval of the Legislative Services Commission,  
4 the Legislative Services Officer shall assign professional and clerical staff to assist in the work  
5 of the Commission. Clerical staff shall be furnished to the Commission through the offices of  
6 the House of Representatives and Senate Supervisors of Clerks.

7 **SECTION 45.5.** Meeting location. – The Commission may meet in the Legislative  
8 Building or Legislative Office Building upon the approval of the Legislative Services  
9 Commission.

10 **SECTION 45.6.** Expenses of members. – Members of the Commission shall  
11 receive per diem, subsistence, and travel allowances at the rate established in G.S. 120-3.1.

12 **SECTION 45.7.** Report. – The Commission shall submit an interim report to the  
13 2012 Regular Session of the 2011 General Assembly prior to its reconvening and shall make a  
14 final report to the 2013 Regular Session of the General Assembly prior to its convening. The  
15 report shall contain the Commission's findings, recommendations, legislative proposals, and  
16 cost analyses. The Commission shall terminate upon filing its final report or upon the  
17 convening of the 2013 General Assembly, whichever is earlier.

18  
19 **PART XLVI. SPECIAL COMMISSION TO STUDY RETIREMENT AND HEALTH**  
20 **BENEFITS FOR TEACHERS AND STATE EMPLOYEES (S.B. 687 – Apodaca,**  
21 **Brunstetter)**

22 **SECTION 46.1.** There is established the Special Commission to Study Retirement  
23 and Health Benefits for Teachers and State Employees.

24 **SECTION 46.2.** The Commission shall be composed of 14 members as follows:

25 (1) The State Treasurer or the State Treasurer's designee.

26 (2) The Executive Administrator of the State Health Plan for Teachers and State  
27 Employees.

28 (3) Four members appointed by the President Pro Tempore of the Senate.

29 (4) Four members appointed by the Speaker of the House of Representatives.

30 (5) Four members appointed by the Governor.

31 Vacancies on the Commission shall be filled by the appointing authority. The  
32 Commission shall choose from among its membership a chair and two vice-chairs. A quorum  
33 of the Commission shall be nine members.

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

39 The Commission may meet at any time upon call of the chairs. The Commission  
40 may meet in the Legislative Building or the Legislative Office Building. The Commission may  
41 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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

48 **SECTION 46.3.** The initial meeting of the Commission shall be called by the State  
49 Treasurer or the State Treasurer's designee.

1           **SECTION 46.4.** The Commission shall study retirement and health benefits for  
2 teachers and State employees. As a part of its study, the Commission may examine issues  
3 related to:

- 4           (1) Whether the changing demographics among State employees require  
5 changes to the current defined benefit plan and the health plan.
- 6           (2) Whether there is a need to establish a normal retirement age when retirement  
7 and health benefits are to begin.
- 8           (3) Whether the retirement plan should have a defined contribution component.
- 9           (4) Whether the current benefits plan serves the need to recruit and retain the  
10 best teachers and State employees.
- 11           (5) Any other issues the Commission deems relevant to improvement of the  
12 retirement systems and the State Health Plan.
- 13           (6) The relationship between the State Health Plan, the Teachers' and State  
14 Employees' Retirement System, and the Disability Income Plan.

15           **SECTION 46.5.** The Commission shall make an interim report to the 2011 Regular  
16 Session of the General Assembly prior to its reconvening in 2012 and shall make a final report  
17 to the 2013 Regular Session of the General Assembly prior to its convening. The report shall  
18 include any proposed legislation. The Commission shall terminate upon filing its final report or  
19 upon the convening of the 2013 General Assembly, whichever is earlier.  
20

21 **PART XLVII. MUNICIPAL POWER AGENCY RELIEF LEGISLATIVE STUDY**  
22 **COMMITTEE (S.B. 587 – Newton)**

23           **SECTION 47.1.** Committee created. – There is created the Municipal Power  
24 Agency Relief Legislative Study Committee (Committee). The Committee shall consist of six  
25 members as follows:

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

30           **SECTION 47.2.** The Committee shall:

- 31           (1) Study potential options to provide relief to customers of the joint municipal  
32 power agencies from high electric rates, including:
  - 33           a. The feasibility of refinancing or restructuring the debt of the power  
34 agencies.
  - 35           b. The feasibility of selling assets of the municipalities or the power  
36 agencies to lower electric rates or the total amount of debt.
- 37           (2) Study any other matters that the Committee deems relevant.
- 38           (3) Make a final report to the 2012 Regular Session of the 2011 General  
39 Assembly that includes findings, recommendations, and legislative proposals  
40 relating to its study.

41           **SECTION 47.3.** The Commission shall terminate upon filing its final report or  
42 upon the convening of the 2013 General Assembly, whichever is earlier.

43           **SECTION 47.4.** Vacancies on the Committee shall be filled by the appointing  
44 authority. The Committee shall choose from among its membership a chair and two vice-chairs.  
45 A quorum of the Committee shall be nine members.

46           The Committee, while in the discharge of its official duties, may exercise all powers  
47 provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power  
48 to request all officers, agents, agencies, and departments of the State to provide any  
49 information, data, or documents within their possession, ascertainable from their records, or  
50 otherwise available to them, and the power to subpoena witnesses.

1 The Committee may meet at any time upon call of the chairs. The Committee may  
2 meet in the Legislative Building or the Legislative Office Building. The Committee may  
3 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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

10  
11 **PART XLVIII. MARINE FISHERIES LEGISLATIVE STUDY COMMITTEE (H.B. 353**  
12 **– McCormick, Glazier, Ingle, Samuelson)**

13 **SECTION 48.1.** Committee created. – There is created the Marine Fisheries  
14 Legislative Study Committee (Committee). The Committee shall consist of eight members as  
15 follows:

- 16 (1) Four members of the Senate, appointed by the President Pro Tempore of the  
17 Senate.
- 18 (2) Four members of the House of Representatives, appointed by the Speaker of  
19 the House of Representatives.

20 **SECTION 48.2.** The Committee may study the following:

- 21 (1) The potential impact to both the State's fisheries resources and the State's  
22 economy related to the designation of Red Drum (*Sciaenops ocellatus*),  
23 Spotted Sea Trout (*Cynoscion nebulosus*), and Striped Bass (*Morone*  
24 *saxatilis*) as coastal game fish.
- 25 (2) Changes to the appointment process and qualification for membership on the  
26 North Carolina Marine Fisheries Commission.
- 27 (3) Creation of a hook and line commercial fishery.
- 28 (4) Elimination of the trawl boat fishery in North Carolina.
- 29 (5) Entering into reciprocal agreements with other jurisdictions with regard to  
30 the conservation of marine and estuarine resources; and regulating  
31 placement of nets and other sports or commercial fishing apparatus in  
32 coastal fishing waters with regard to navigational and recreational safety as  
33 well as from a conservation standpoint.
- 34 (6) Entering into agreements regarding the delegation of law enforcement  
35 powers from the National Marine Fisheries Service over matters within the  
36 jurisdiction of the Service.
- 37 (7) Potential modification of the Fisheries Reform Act of 1997.
- 38 (8) Whether Marine Fisheries should be a division of the Coastal Resources  
39 Commission or the Wildlife Resources Commission.
- 40 (9) Other findings that promote the allocation of the State's resources to the  
41 optimum use.
- 42 (10) Any other matters the Committee deems relevant.

43 **SECTION 48.3.** The Committee may make a final report to the 2012 Regular  
44 Session of the 2011 General Assembly that includes findings, recommendations, and legislative  
45 proposals relating to its study. The Committee shall terminate upon filing its final report or  
46 upon the convening of the 2013 Regular Session of the General Assembly, whichever is earlier.

47 **SECTION 48.4.** Vacancies on the Committee shall be filled by the appointing  
48 authority. The Committee shall choose from among its membership a chair and a vice-chair. A  
49 quorum of the Committee shall be five members.

50 **SECTION 48.5.** The Committee, while in the discharge of its official duties, may  
51 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4,

1 including the power to request all officers, agents, agencies, and departments of the State to  
2 provide any information, data, or documents within their possession, ascertainable from their  
3 records, or otherwise available to them, and the power to subpoena witnesses.

4 The Committee may meet at any time upon call of the chairs. The Committee may  
5 meet in the Legislative Building or the Legislative Office Building. The Committee may  
6 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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

13  
14 **PART XLIX. REESTABLISH LEGISLATIVE STUDY COMMISSION ON**  
15 **PUBLIC-PRIVATE PARTNERSHIPS (S.B. 278 – Jenkins)**

16 **SECTION 49.1.** There is established the Legislative Study Commission on  
17 Public-Private Partnerships.

18 **SECTION 49.2.** The Commission shall be composed of 16 members, as follows:

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

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

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

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

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

47 **SECTION 49.3.** The Commission shall study issues related to Public-Private  
48 Partnerships (PPPs), including examination of the appropriate authority for State, regional, and  
49 local government units to engage in PPPs for public capital projects through a regulatory  
50 framework. As part of its study, the Commission may study infrastructure banks and any other  
51 relevant issues it deems appropriate.

1           **SECTION 49.4.** The Commission may report its recommendations and legislative  
2 proposals to the 2012 Regular Session of the 2011 General Assembly on or before its  
3 convening. The Commission shall terminate upon filing its final report or upon the convening  
4 of the 2013 General Assembly, whichever is earlier.

5  
6 **PART L. EXPAND DUTIES OF REVENUE LAWS STUDY COMMITTEE TO**  
7 **INCLUDE ANALYZING AND ASSESSING STATE ECONOMIC DEVELOPMENT**  
8 **PROGRAMS (S.B. 489 – Rucho)**

9           **SECTION 50.1.** G.S. 120-70.106 reads as rewritten:

10 **"§ 120-70.106. Purpose and powers of Committee.**

11       (a) The Revenue Laws Study Committee may:

- 12           (1) Study the revenue laws of North Carolina and the administration of those  
13 laws.  
14           (2) Review the State's revenue laws to determine which laws need clarification,  
15 technical amendment, repeal, or other change to make the laws concise,  
16 intelligible, easy to administer, and equitable.  
17           (3) Call upon the Department of Revenue to cooperate with it in the study of the  
18 revenue laws.  
19           (4) Analyze the economic development programs supported by the State and the  
20 effectiveness of those programs.  
21           (5) Assess the performance of economic development programs, according to  
22 criteria established by the Committee, and the entities that implement those  
23 programs.  
24           (4)(6) Report to the General Assembly at the beginning of each regular session  
25 concerning its determinations of needed changes in the State's revenue  
26 laws, laws and economic development programs.

27       These powers, which are enumerated by way of illustration, shall be liberally construed to  
28 provide for the maximum review by the Committee of all revenue ~~law~~ law and economic  
29 development matters in this State.

30       (b) The Committee may make interim reports to the General Assembly on matters for  
31 which it may report to a regular session of the General Assembly. A report to the General  
32 Assembly may contain any legislation needed to implement a recommendation of the  
33 Committee. When a recommendation of the Committee, if enacted, would result in an increase  
34 or decrease in State revenues, the report of the Committee must include an estimate of the  
35 amount of the increase or decrease.

36       ~~(c) The Revenue Laws Study Committee must review the effect Article 42 of Chapter~~  
37 ~~66 of the General Statutes, as enacted by S.L. 2006-151, has on the issues listed in this section~~  
38 ~~to determine if any changes to the law are needed:~~

- 39           ~~(1) Competition in video programming services.~~  
40           ~~(2) The number of cable service subscribers, the price of cable service by~~  
41 ~~service tier, and the technology used to deliver the service.~~  
42           ~~(3) The deployment of broadband in the State.~~

43 ~~The Committee must review the impact of this Article on these issues every two years and~~  
44 ~~report its findings to the North Carolina General Assembly. The Committee must make its first~~  
45 ~~report to the 2008 Session of the North Carolina General Assembly."~~

46           **SECTION 50.2.** G.S. 120-70.107 reads as rewritten:

47 **"§ 120-70.107. Organization of Committee.**

48       (a) The President Pro Tempore of the Senate and the Speaker of the House of  
49 Representatives shall each designate a cochair of the Revenue Laws Study Committee. The  
50 Committee shall meet upon the joint call of the cochairs.



1 (b) A quorum of the Committee is ~~nine~~11 members. No action may be taken except by  
2 a majority vote at a meeting at which a quorum is present. While in the discharge of its official  
3 duties, the Committee has the powers of a joint committee under G.S. 120-19 and  
4 G.S. 120-19.1 through G.S. 120-19.4.

5 (c) The Committee shall be funded by the Legislative Services Commission from  
6 appropriations made to the General Assembly for that purpose. Members of the Committee  
7 receive subsistence and travel expenses as provided in G.S. 120-3.1 and G.S. 138-5. The  
8 Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02.  
9 Upon approval of the Legislative Services Commission, the Legislative Services Officer shall  
10 assign professional staff to assist the Committee in its work. Upon the direction of the  
11 Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of  
12 Representatives shall assign clerical staff to the Committee. The expenses for clerical  
13 employees shall be borne by the Committee."  
14

15 **PART LI. JOINT LEGISLATIVE EFFICIENCY AND COST-SAVINGS IN STATE**  
16 **GOVERNMENT STUDY COMMISSION (H.B. 627 – Blackwell, Crawford)**

17 **SECTION 51.1.** There is established the Joint Legislative Efficiency and  
18 Cost-Savings in State Government Study Commission.

19 **SECTION 51.2.** The Commission shall be composed of 10 members appointed as  
20 follows:

- 21 (1) Five senators appointed by the President Pro Tempore of the Senate.
- 22 (2) Five representatives appointed by the Speaker of the House of  
23 Representatives.

24 Vacancies on the Commission shall be filled by the appointing authority. The  
25 President Pro Tempore of the Senate and the Speaker of the House of Representatives shall  
26 each designate a cochair. A quorum of the Commission shall be a majority of its members.

27 The Commission may meet at any time upon call of the chairs. The Commission  
28 may meet in the Legislative Building or the Legislative Office Building. The Commission may  
29 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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

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

43 **SECTION 51.3.** The Commission shall use a zero-based budgeting review process  
44 to study whether there are obsolete programs, cost-reduction opportunities in State government,  
45 and any cases where existing funds can be redirected to meet new and changing demands for  
46 public services. At its first meeting, the Commission shall determine which agency or agencies  
47 to review. The Commission may require any agency under review to submit written  
48 information in a form specified by the Commission by a specified time. The Commission may  
49 accept or reject any or part of any information submitted and require revision or resubmission.  
50 The Commission may require information as follows:

- 1 (1) Identification of decision units. – The agency shall identify decision units  
2 representing any group of services with a common set of objectives or  
3 comprising an agency program or administrative support unit.
- 4 (2) Impact of discontinuing each decision unit. – The agency shall provide a  
5 quantitative estimate of any adverse impacts that could reasonably be  
6 expected should the State discontinue a decision unit, together with a full  
7 description of the methods by which the adverse impact is estimated.
- 8 (3) Division of decision units into decision packages. – The agency shall divide  
9 each decision unit into the following four discrete decision packages:
- 10 a. Minimum. – A quantitative estimate of any adverse impacts that  
11 could reasonably be expected and an itemized account of  
12 expenditures that would be required to maintain the activity at the  
13 minimum level of service required by any statutory authorization and  
14 below which would effectively eliminate all services, together with a  
15 concise statement of the resulting quantity and quality of services.  
16 This service level shall be below the level described by  
17 sub-subdivision b. of this subdivision.
- 18 b. Reduced. – A quantitative estimate of any adverse impacts that could  
19 reasonably be expected and an itemized account of expenditures that  
20 would be required if funding were reduced by the percentage or  
21 amount specified by the Commission below the current level as  
22 defined by sub-subdivision c. of this subdivision and a concise  
23 statement of the resulting quantity and quality of services.
- 24 c. Current. – A quantitative description of benefits from and an  
25 itemized account of expenditures that would be required to maintain  
26 the activity at the current level of service, together with a full  
27 description of the methods by which the current level is determined  
28 and a concise statement of the resulting quantity and quality of  
29 services.
- 30 d. Enhanced. – A quantitative estimate of benefits that could reasonably  
31 be expected and an itemized account of expenditures that would be  
32 required to increase the current level of service, together with a full  
33 description of the methods by which the enhanced level is estimated  
34 and a concise statement of the resulting quantity and quality of  
35 services.
- 36 (4) Service delivery alternatives. – For each decision package, a description of  
37 alternative methods for delivering services which may include, but not be  
38 limited to, shedding one or more services and relying upon the free market  
39 for delivery, delegation to another level of government, using Requests for  
40 Information or competitive selection to outsource to private for-profit or  
41 nonprofit organizations, in whole or in part, including franchising, assisting  
42 or providing incubator arrangements for current State employees to form  
43 non-State organizations to compete for outsourcing opportunities, or through  
44 methods used by other states or nations.
- 45 (5) Ranking. – As instructed by the Commission, a ranking of all decision  
46 packages compared with each other without ties.

47 **SECTION 51.4.** The Commission shall make an interim report to the 2012 Regular  
48 Session of the 2011 General Assembly and shall make a final report to the 2013 General  
49 Assembly. The report shall include any proposed legislation. The Commission shall terminate  
50 upon filing its final report or upon the convening of the 2013 General Assembly, whichever is  
51 earlier.

1  
2 **PART LII. LEGISLATIVE STUDY COMMISSION ON ENERGY INDEPENDENCE**  
3 **AND ALTERNATIVE FUEL FOR VEHICLES (H.B. 704 – Hager, Steen, Stone, Collins;**  
4 **H.B. 585 – Pridgen, Hastings, Jones)**

5 **SECTION 52.1.** There is established the Legislative Study Commission on Energy  
6 Independence and Alternative Fuel for Vehicles to study the State's future energy needs. The  
7 study shall focus on the possible use of compressed natural gas, liquid propane, and biofuels as  
8 fuel sources for vehicles and shall study the development of natural gas, oil, wind, solar, and  
9 other energy sources capable of energy production for the purposes of North Carolina  
10 becoming more self-reliant as to its energy supplies; becoming more independent of foreign  
11 energy markets, which are volatile and steeply fluctuating due to current energy and political  
12 crises; and avoiding the potential of being completely cut off from foreign fuel due to political  
13 unrest and instability in the Middle East.

14 **SECTION 52.2.** The Commission shall be composed of eight members, as follows:

- 15 (1) Two members of the Senate, appointed by the President Pro Tempore of the  
16 Senate.
- 17 (2) Two members of the House of Representatives, appointed by the Speaker of  
18 the House of Representatives.
- 19 (3) Two public members appointed by the Speaker of the House of  
20 Representatives, one of which shall be an individual with experience in the  
21 alternative fuel industry and one of which shall be an individual employed in  
22 academia with expertise in alternative fuels for vehicles.
- 23 (4) Two public members appointed by the President Pro Tempore of the Senate,  
24 one of which shall be an individual with experience in the alternative fuel  
25 industry and one of which shall be an individual employed in academia with  
26 expertise in alternative fuels for vehicles.

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

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

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

42 **SECTION 52.3.** As part of its study, the Commission may examine the following:

- 43 (1) Infrastructure changes needed to facilitate the use of alternative fuel  
44 vehicles, including integration with gas distribution lines.
- 45 (2) Incentives for alternative fuels for vehicles, including tax incentives.
- 46 (3) Feasibility of using alternative fuel vehicles for the State fleet.
- 47 (4) Impact of alternative fuel vehicles on fuel supply.
- 48 (5) The potential for job creation and market growth as a result of the use of  
49 compressed natural gas and biofuels as fuel sources for vehicles.
- 50 (6) The environmental impact of the alternative fuels.

- 1 (7) Any other relevant issues relating to the use of compressed natural gas and  
2 biofuels as fuel sources for vehicles.
- 3 (8) The identification of prospective energy companies that explore for and  
4 produce energy from natural gas, oil, wind, solar, or other energy sources  
5 capable of energy production and their availability to present the General  
6 Assembly with specific proposals for the production of energy in North  
7 Carolina.
- 8 (9) Actions that would promote the development of natural gas, oil, wind, solar,  
9 and other energy sources capable of energy production in North Carolina.  
10 The Commission shall specifically consider the use of incentives, including  
11 tax credits and other financial incentives, and changes to State law to reduce  
12 the regulatory burden on energy development and production in North  
13 Carolina.

14 **SECTION 52.4.** The Commission may report its recommendations and legislative  
15 proposals to the 2012 Regular Session of the 2011 General Assembly on or before its  
16 convening. The Commission shall terminate upon filing its report or upon the convening of the  
17 2013 General Assembly, whichever is earlier.

18  
19 **PART LIII. COMMERCIAL POULTRY HOUSE FIRE CODE LEGISLATIVE STUDY**  
20 **COMMISSION (H.B. 759 – Committee on Rules, Calendar, and Operations of the House)**

21 **SECTION 53.1.** Commission Created. – There is created the Commercial Poultry  
22 House Fire Code Legislative Study Commission (Commission). The Commission shall consist  
23 of 12 voting members appointed as follows:

- 24 (1) Four members appointed by the Governor, to include:  
25 a. One person who is a farmer engaged in the production of chickens.  
26 b. One person who is a representative of the State Building Codes  
27 Council.  
28 c. Two members of the general public.
- 29 (2) Four members appointed by the President Pro Tempore of the Senate, to  
30 include:  
31 a. Three members of the Senate.  
32 b. One member of the general public.
- 33 (3) Four members appointed by the Speaker of the House of Representatives, to  
34 include:  
35 a. Three members of the House of Representatives.  
36 b. One member of the general public.

37 **SECTION 53.2.(a)** Purposes. – The Commission shall do the following:

- 38 (1) Study the applicability, feasibility, and cost-effectiveness of current  
39 requirements for fire ratings, inspections, and fire flow under both the North  
40 Carolina Fire Code and under guidelines of the Insurance Services Office.  
41 For purposes of this section "North Carolina Fire Code" means the 2006  
42 International Fire Code with 2009 North Carolina Amendments adopted by  
43 the State Building Code Council.
- 44 (2) Study any other matters that the Commission deems relevant.
- 45 (3) Make an interim report to the General Assembly by the convening of the  
46 2012 Regular Session of the 2011 General Assembly.
- 47 (4) Make a final report to the 2013 General Assembly that includes findings,  
48 recommendations, and legislative proposals relating to fire codes for  
49 commercial poultry houses.

50 **SECTION 53.2.(b)** Termination. – The Commission shall terminate upon filing its  
51 final report or upon the convening of the 2013 General Assembly, whichever is earlier.

1           **SECTION 53.2.(c)** Commission Operations. – The Speaker of the House of  
2 Representatives and the President Pro Tempore of the Senate shall each appoint a cochair for  
3 the Commission. The Commission may contract for consultant services as provided by  
4 G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative  
5 Services Officer shall assign professional and clerical staff to assist in the work of the  
6 Commission. Clerical staff shall be furnished to the Commission through the offices of the  
7 House of Representatives' and Senate's Directors of Legislative Assistants. The Commission  
8 may meet in the Legislative Building or the Legislative Office Building upon the approval of  
9 the Legislative Services Commission. Members of the Commission shall receive per diem,  
10 subsistence, and travel allowances at the rate established in G.S. 120-3.1. The appointing  
11 authority shall fill vacancies. The Commission, while in the discharge of its official duties, may  
12 exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4,  
13 including the power to request all officers, agents, agencies, and departments of the State to  
14 provide any information, data, or documents within their possession, ascertainable from their  
15 records, or otherwise available to them and the power to subpoena witnesses.

16  
17 **PART LIV. JOINT LEGISLATIVE STUDY COMMITTEE ON FEDERAL SEX**  
18 **OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA) COMPLIANCE**  
19 **(H.B. 772 – House Judiciary Committee)**

20           **SECTION 54.1.(a)** Committee Established. – There is created the Joint Legislative  
21 Study Committee on Federal Sex Offender Registration and Notification Act (SORNA)  
22 Compliance. The Committee shall consist of 10 members to be appointed as follows:

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

27           The Speaker of the House of Representatives shall designate one representative as  
28 cochair, and the President Pro Tempore of the Senate shall designate one senator as cochair.  
29 Vacancies on the Committee shall be filled by the same appointing authority making the initial  
30 appointment.

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

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

42           **SECTION 54.1.(b)** Duties. – The Committee shall study and make  
43 recommendations on the following:

- 44           (1) The requirements of SORNA and the changes required in State law to bring  
45 the State into compliance with those requirements.
- 46           (2) The potential cost to State and local agencies to implement the requirements  
47 of SORNA compared to the potential loss of grant funding for failure to  
48 comply.
- 49           (3) Whether the current State registration requirements are meeting the needs of  
50 the State and providing adequate public safety.

- 1 (4) Whether the State should comply with the requirements of SORNA, and if  
2 so, make specific recommendations for the implementation of SORNA.

3 **SECTION 54.1.(c)** Report. – The Committee may make a final report, including  
4 any proposed legislation, to the 2012 General Assembly upon its convening. The Committee  
5 shall terminate upon filing its final report or upon the convening of the 2012 General  
6 Assembly, whichever is earlier.

7  
8 **PART LV. JOINT LEGISLATIVE STUDY COMMISSION ON COASTAL PROPERTY**  
9 **INSURANCE RATES (H.B. 820 – McElraft, Hamilton, Justice, Rapp)**

10 **SECTION 55.1.** There is created the Joint Legislative Study Commission on  
11 Coastal Property Insurance Rates. The Commission shall consist of 14 members appointed as  
12 follows:

- 13 (1) The Commissioner of Insurance or his designee, serving ex officio.  
14 (2) A representative of the North Carolina Rate Bureau.  
15 (3) A representative of the North Carolina Insurance Underwriting Association.  
16 (4) Three members appointed by the Governor, to include one member of the  
17 general public who resides in the coastal area of the State, one member of  
18 the general public who resides in the beach area of the State, and one  
19 member of the general public who resides outside the beach and coastal  
20 areas of the State. For purposes of this subdivision, "coastal area" and "beach  
21 area" shall have the definitions specified by G.S. 58-45-5.  
22 (5) Four members appointed by the Speaker of the House of Representatives, to  
23 include three members of the House of Representatives and one member to  
24 represent the interests of companies writing property insurance policies in  
25 the State.  
26 (6) Four members appointed by the President Pro Tempore of the Senate, to  
27 include three members of the Senate and one person who represents the  
28 interests of insurance agents.

29 Vacancies on the Commission shall be filled by the appointing authority. A quorum  
30 of the Commission shall consist of eight members.

31 The Speaker of the House of Representatives and the President Pro Tempore of the  
32 Senate shall each appoint a cochair for the Commission. The Commission may meet at any  
33 time upon the joint call of the cochairs.

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

39 The Commission may contract for professional, clerical, or consultant services as  
40 provided by G.S. 120-32.02.

41 **SECTION 55.2.** Purpose. – The Commission shall study the following:

- 42 (1) The feasibility and advisability of replacing the North Carolina Insurance  
43 Underwriting Association and the North Carolina Joint Underwriting  
44 Association with a statewide catastrophic fund which pools the risks to  
45 North Carolina policyholders from all types of natural disasters.  
46 (2) Whether coastal insurance rates on policies ceded to the North Carolina  
47 Insurance Underwriting Association, the composition of the Association's  
48 Board of Directors, and the Association's plan of operations are efficient,  
49 economical, fair, and nondiscriminatory in protecting the interests of beach  
50 and coastal areas of the State, compared to other coastal states.

- 1 (3) Whether the data and methodologies used by the North Carolina Insurance  
2 Underwriting Association in estimating probable maximum loss accurately  
3 model insurable risks for property located in the beach and coastal areas of  
4 the State.
- 5 (4) The feasibility and advisability of offering coastal and beach area property  
6 owners the option of self-insuring by declining wind and hail coverage in  
7 situations where no third party has an insurable interest in the property.
- 8 (5) The adequacy of accounting and oversight of the North Carolina Insurance  
9 Underwriting Association's accumulated surplus.
- 10 (6) Whether the mitigation credits provided by the North Carolina Insurance  
11 Underwriting Association pursuant to G.S. 58-45-45(e) are fair and  
12 nondiscriminatory and whether the schedule of credits, when compared to  
13 the cost of mitigation measures provides adequate incentive for beach and  
14 coastal area property owners to invest in such measures.

15 **SECTION 55.3.** Staff. – Upon approval of the Legislative Services Commission,  
16 the Legislative Services Officer shall assign professional and clerical staff to assist in the work  
17 of the Commission. Clerical staff shall be furnished to the Commission through the offices of  
18 the House of Representatives and Senate Supervisors of Clerks.

19 **SECTION 55.4.** Meeting location. – The Commission may meet in the Legislative  
20 Building or Legislative Office Building upon the approval of the Legislative Services  
21 Commission.

22 **SECTION 55.5.** Expenses of members. – Members of the Commission shall  
23 receive per diem, subsistence, and travel allowances at the rate established in G.S. 120-3.1.

24 **SECTION 55.6.** Report. – The Commission shall submit an interim report to the  
25 2012 Regular Session of the 2011 General Assembly prior to its reconvening and shall make a  
26 final report to the 2013 Regular Session of the General Assembly prior to its convening. The  
27 report shall contain the Commission's findings, recommendations, legislative proposals, and  
28 cost analyses. The Commission shall terminate upon filing its final report or upon the  
29 convening of the 2013 General Assembly, whichever is earlier.

30  
31 **PART LVI. JOINT LEGISLATIVE STUDY COMMITTEE ON GLOBAL**  
32 **ENGAGEMENT (H.B. 23 – Carney, Dollar, L. Brown, Wilkins; S.B. 15 – Brunstetter,**  
33 **Stein)**

34 **SECTION 56.1.** Committee established. – There is created the Joint Legislative  
35 Study Committee on Global Engagement. The Committee shall consist of 14 members to be  
36 appointed as follows:

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

41 The Speaker of the House of Representatives shall designate one representative as  
42 cochair, and the President Pro Tempore of the Senate shall designate one senator as cochair.  
43 Vacancies on the Committee shall be filled by the same appointing authority making the initial  
44 appointment.

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

50 The Legislative Services Commission, through the Legislative Services Officer,  
51 shall assign professional staff to assist the Committee in its work. The House of

1 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
2 the Committee, and the expenses relating to the clerical employees shall be borne by the  
3 Committee. Members of the Committee shall receive subsistence and travel expenses at the  
4 rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

5 **SECTION 56.2.** Duties. – The Committee shall continue the work of the Joint  
6 Select Committee on Global Engagement created pursuant to G.S. 120-19.6(a1), Rule 31 of the  
7 Rules of the Senate of the 2009 General Assembly, and Rule 26(a) of the House of  
8 Representatives of the 2009 General Assembly, by continuing to work toward promoting  
9 economic growth and stimulating job creation in the global economy. To that end, the  
10 Committee may work in conjunction with the Center for International Understanding to  
11 develop a Statewide Strategic Plan for Global Engagement. The Committee may study the  
12 following:

- 13 (1) North Carolina's current international activity in the business, State  
14 government, and education sectors.
- 15 (2) Barriers to international trade that may be addressed by legislation.
- 16 (3) Ways to increase coordination, synchronization, and intercommunication  
17 between State and local governmental entities.
- 18 (4) Data collection and analysis of global business trends.
- 19 (5) Representation options for North Carolina responsible for soliciting,  
20 targeting, educating, and recruiting international businesses to North  
21 Carolina.
- 22 (6) Incentives designed to encourage small businesses to export goods and  
23 service solutions.
- 24 (7) Methods for positioning North Carolina as a portal to North America for  
25 international trade.
- 26 (8) Means to increase foreign direct investment in North Carolina.

27 **SECTION 56.3.** Report. – The Committee may make a final report, including any  
28 proposed legislation, to the 2012 Session of the 2011 General Assembly upon its convening.  
29 The Committee shall terminate upon filing its final report or upon the convening of the 2012  
30 Session of the 2011 General Assembly, whichever is earlier.

31  
32 **PART LVII. REESTABLISH JOINT SELECT COMMITTEE ON EX-OFFENDER**  
33 **REINTEGRATION INTO SOCIETY (H.B. 269 – Guice, Bryant, Pierce; S.B. 301 –**  
34 **Hartsell, Dannelly, Jones)**

35 **SECTION 57.1.** The General Assembly finds that each year tens of thousands of  
36 individuals are arrested, convicted of crimes, placed on probation, sent to prison, or released  
37 from prison. The safety of our communities depends on the successful reintegration of these  
38 individuals into society. Most of these individuals need assistance finding jobs, increasing their  
39 education, or accessing other essential services in order to successfully reintegrate into society  
40 and improve their lives. However, most ex-offenders will encounter an array of barriers that  
41 hinder their ability to become productive members of society. Ex-offenders who are barred  
42 from housing, jobs, occupational licenses, needed services, education, and training are far more  
43 likely to commit new crimes than they would be if they had the options and responsibilities that  
44 most citizens take for granted. Further, the General Assembly finds that reducing recidivism  
45 saves much needed resources by reducing the need for prison construction and makes our  
46 communities a safer place to live. To that end, the Joint Select Committee on Ex-Offender  
47 Reintegration Into Society is reestablished.

48 **SECTION 57.2.** The Committee shall consist of 16 members, eight of whom shall  
49 be appointed by the Speaker of the House of Representatives, and eight of whom shall be  
50 appointed by the President Pro Tempore of the Senate. Of the eight members appointed by the  
51 Speaker of the House of Representatives, one shall be a public member who is an employee of



1 an organization that provides ex-offender services, and one shall be a public member who is a  
2 successful ex-offender. Of the eight members appointed by the President Pro Tempore of the  
3 Senate, one shall be a public member who is an employee of an organization that provides  
4 ex-offender services, and one shall be a public member who is a successful ex-offender.

5 The Speaker of the House of Representatives and the President Pro Tempore of the  
6 Senate each shall appoint a cochair for the Committee. The Committee may meet at any time  
7 upon the joint call of the cochairs. A cochair or other member of the committee shall continue  
8 to serve until a successor is appointed. Vacancies on the Committee shall be filled by the same  
9 appointing authority as made the initial appointment.

10 **SECTION 57.3.** The Committee, while in the discharge of its official duties, may  
11 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.  
12 The Committee may contract for professional, clerical, or consultant services as provided by  
13 G.S. 120-32.02.

14 Subject to the approval of the Legislative Services Commission, the Committee may  
15 meet in the Legislative Building or the Legislative Office Building. The Legislative Services  
16 Commission, through the Legislative Services Officer, shall assign professional staff to assist  
17 the Committee in its work. The House of Representatives' and the Senate's Supervisors of  
18 Clerks shall assign clerical support staff to the Committee, and the expenses relating to the  
19 clerical employees shall be borne by the Committee. Members of the Committee shall receive  
20 subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as  
21 appropriate.

22 **SECTION 57.4.** The Committee shall study issues related to reintegration of  
23 offenders following incarceration. Specifically, the Committee shall study how North Carolina  
24 and other states address barriers facing ex-offenders in accessing jobs, housing, education,  
25 training, and services and determine best practices that reduce recidivism. There have been  
26 recommendations regarding these issues from a similar committee during the 2010-2011  
27 Session and from the StreetSafe Task Force and the Justice Reinvestment Project; however,  
28 major areas remain to be addressed. In connection with this study, the Committee may consider  
29 and report on all of the following:

- 30 (1) The definition, accuracy, sale, and regulation of criminal records.
- 31 (2) Systemic and legal barriers to employment, housing, education, training, and  
32 services.
- 33 (3) The availability and coordination of needed services and programs for  
34 successful reentry.
- 35 (4) Best practices for reducing recidivism.
- 36 (5) Transitional services for ex-offenders with high and complex needs.
- 37 (6) Use and expansion of drug and mental health courts to divert from prison  
38 people who need treatment.
- 39 (7) A comprehensive review of the collateral consequences for conviction of  
40 criminal offenses, and where appropriate, the clarity, consistency, and  
41 reduction of such consequences along with notice to offenders and court  
42 officials of these consequences.
- 43 (8) The capacity, effectiveness, and replicability of statewide and  
44 community-based programs to meet the risks and needs of both the  
45 supervised and unsupervised population returning from prison.
- 46 (9) Status of recommendations from the StreetSafe Task Force, Justice  
47 Reinvestment Project, and the Joint Select Committee on Ex-Offender  
48 Reintegration Into Society that was established January 22, 2010.
- 49 (10) Best practices to address and reduce the disproportionate representation of  
50 people of color in the offender population.

1           **SECTION 57.5.** The Committee may submit an interim report of its findings and  
2 recommendations, including any legislative recommendations, to the 2012 Regular Session of  
3 the 2011 General Assembly upon its convening and shall submit a final report of its findings  
4 and recommendations, including any legislative recommendations, to the 2013 General  
5 Assembly upon its convening. The Committee shall terminate on the convening of the 2013  
6 General Assembly.

7  
8 **PART LVIII. REESTABLISH HOUSE STUDY COMMITTEE TO PRESERVE THE**  
9 **CULTURE AND CUSTOMS OF INDIAN CHILDREN (H.B. 680 – Graham, Pierce; H.B.**  
10 **681 – Graham, Pierce, Brandon)**

11           **SECTION 58.1.** The House Select Committee on the Preservation of Culture and  
12 Customs of Indian Children, authorized by Section 2.12 of S.L. 2009-574, is reestablished. The  
13 Committee shall consist of nine members appointed by the Speaker of the House of  
14 Representatives as follows:

- 15           (1) Four members from the House of Representatives, one of which shall be a  
16 Native American.
- 17           (2) One member from the State Commission on Indian Affairs.
- 18           (3) One member from the Child Welfare Services Section of the Division of  
19 Social Services, Department of Health and Human Services.
- 20           (4) One member to be selected by the American Indian Mothers, Inc.
- 21           (5) One member from the Cherokee tribe.
- 22           (6) One member from a State-recognized tribe.

23           The Speaker of the House of Representatives shall designate one representative as  
24 chair. Vacancies of the Committee shall be filled by the same appointing authority that made  
25 the initial appointment. The Committee shall meet on the call of the chair. A quorum of the  
26 Committee shall be a majority of its members.

27           **SECTION 58.2.** The Committee shall examine any issues or matters which would  
28 impact the preservation of the customs and culture of Indian children who are not covered  
29 under the ICWA and who are the subject of legal proceedings in State courts, including, but not  
30 limited to, adoption, custody, and visitation. The House Select Committee may continue to  
31 study the following:

- 32           (1) Current State laws applicable to family-related legal proceedings and their  
33 impact on retention of the cultural heritage of child members of Indian  
34 tribes.
- 35           (2) Guidelines for local departments of social service agencies that would  
36 implement the same or similar policies and practices that are applicable to  
37 Indian children under federal law.
- 38           (3) The creation of a State council or commission, to include members of Indian  
39 tribes, State and local social services agencies, the judiciary, and other  
40 appropriate officials to recommend policies and procedures to the General  
41 Assembly.
- 42           (4) The impact of American Indian sports mascots and logos at the public  
43 schools and current policies and procedures on their use.
- 44           (5) Any other matter that is relevant to promoting the preservation of the  
45 customs and culture of Indian children who are the subject of legal  
46 proceedings in State courts.

47           **SECTION 58.3.** While in the discharge of its official duties, the Committee may  
48 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.  
49 Members of the Committee shall receive per diem, subsistence, and travel allowance as  
50 provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. With the prior approval of the  
51 Legislative Services Commission, the Legislative Services Officer shall assign professional and

1 clerical staff to assist the Committee in its work. The House of Representatives shall assign  
2 clerical staff to the Committee. The Committee may contract for professional, clerical, or  
3 consultant services as provided by G.S. 120-32.02. The Committee may meet in the  
4 Legislative Building or Legislative Office Building and may meet at various locations around  
5 the State in order to promote greater public participation in its deliberations.

6 **SECTION 58.4.** The Committee shall submit a final report to the 2012 Regular  
7 Session of the 2011 General Assembly and may submit interim reports as it deems necessary.  
8 The Committee shall terminate upon filing its final report or upon the convening of the 2012  
9 Regular Session of the 2011 General Assembly, whichever comes first.

10  
11 **PART LIX. REESTABLISH JOINT LEGISLATIVE STUDY COMMISSION ON**  
12 **PUBLIC-PRIVATE PARTNERSHIPS (H.B. 320 – McGee, Ross, McComas, Carney; S.B.**  
13 **278 – Jenkins)**

14 **SECTION 59.1.** There is established the Legislative Study Commission on  
15 Public-Private Partnerships.

16 **SECTION 59.2.** The Commission shall be composed of 16 members, as follows:

- 17 (1) Five members of the Senate, appointed by the President Pro Tempore of the  
18 Senate.
- 19 (2) Five members of the House of Representatives, appointed by the Speaker of  
20 the House of Representatives.
- 21 (3) Three public members, appointed by the Speaker of the House of  
22 Representatives.
- 23 (4) Three public members, appointed by the President Pro Tempore of the  
24 Senate.

25 The Commission shall include, and consult with, the Secretary of Transportation,  
26 the North Carolina Turnpike Authority, the State Treasurer, the Local Government  
27 Commission, the State Construction Office, the North Carolina Association of County  
28 Commissioners, the North Carolina League of Municipalities, and the North Carolina School  
29 Boards Association in the course of its deliberations.

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

34 The Commission, while in the discharge of its official duties, may exercise all  
35 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The  
36 Commission may meet at any time upon call of the chairs. The Commission may meet in the  
37 Legislative Building or the Legislative Office Building. The Commission may contract for  
38 professional, 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 Commission in its work. The House of  
41 Representatives' and Senate's Directors of Legislative Assistants shall assign clerical staff to the  
42 Commission, and the expenses relating to the clerical employees shall be borne by the  
43 Commission. Members of the Commission 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 59.3.** The Commission shall study issues related to Public-Private  
46 Partnerships (PPPs), including examination of the appropriate authority for State, regional, and  
47 local government units to engage in PPPs for public capital projects through a regulatory  
48 framework. As part of its study, the Commission may study infrastructure banks and any other  
49 relevant issues it deems appropriate.

50 **SECTION 59.4.** The Commission may report its recommendations and legislative  
51 proposals to the 2012 Regular Session of the 2011 General Assembly on or before its

1 convening. The Commission shall terminate upon filing its report or upon the convening of the  
2 2013 General Assembly, whichever is earlier.

3  
4 **PART LX. LEGISLATIVE STUDY COMMISSION ON IMPROVEMENT IN**  
5 **SMALL-DOLLAR LENDING (H.B. 810 – Steen, Brubaker, Owens, K. Alexander)**

6 **SECTION 60.1.** There is created the North Carolina Legislative Study  
7 Commission on Improvement in Small-Dollar Lending. The purpose of the Commission is to  
8 determine what measures the General Assembly may undertake to appropriately update  
9 G.S. 53-173 of the North Carolina Consumer Finance Act.

10 **SECTION 60.2.** The Commission shall consist of the following 16 members:

- 11 (1) Five members of the House of Representatives appointed by the Speaker of  
12 the House of Representatives.
- 13 (2) Five members of the Senate appointed by the President Pro Tempore of the  
14 Senate.
- 15 (3) One member of the consumer finance industry, one member of a consumer  
16 advocacy organization, and one member representing a State-chartered bank,  
17 each appointed by the Speaker of the House of Representatives.
- 18 (4) One member of the consumer finance industry, one member of a consumer  
19 advocacy organization, and one member representing a State-chartered  
20 credit union, each appointed by the President Pro Tempore of the Senate.

21 **SECTION 60.3.** The Speaker of the House of Representatives shall designate one  
22 representative as co-chair, and the President Pro Tempore of the Senate shall designate one  
23 senator as co-chair. The Commission shall meet upon the call of the co-chairs. Vacancies on  
24 the Commission shall be filled by the same appointing authority as made the initial  
25 appointment. A quorum of the Commission shall be a majority of its members.

26 **SECTION 60.4.** The Commission shall study the following issues related to  
27 designating appropriate features for a small-dollar loan product and the economic requirements  
28 for market sustainability and availability for loans made under G.S. 53-173 of the North  
29 Carolina Consumer Finance Act:

- 30 (1) Appropriate features of small-dollar installment loans for consumer safety  
31 and accountability; that is, transparency, fairness, transaction structure, and  
32 sustainability for individuals borrowing funds under this section.
- 33 (2) The costs of operations and economic sustainability for the consumer  
34 finance industry and its impact on the availability and delivery of  
35 small-dollar loan products under this section, with specific emphasis on  
36 loans under three thousand dollars (\$3,000).
- 37 (3) Appropriate ceiling of the maximum dollar amount to be lent to an  
38 individual consumer under this section.
- 39 (4) What, if any, are appropriate restrictions on pricing or transaction fees under  
40 this section to encourage safety, responsibility, competition, and availability.
- 41 (5) Any other matters the Commission considers necessary in furtherance of the  
42 purpose for which it is established.

43 **SECTION 60.5.** Members of the Commission shall receive per diem, subsistence,  
44 and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The  
45 Commission, while in the discharge of its official duties, may exercise all powers provided for  
46 under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet in the  
47 Legislative Building or the Legislative Office Building.

48 With approval of the Legislative Services Commission, the Legislative Services  
49 Officer shall assign professional staff to assist the Commission in its work. The House of  
50 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
51 the Commission, and the expenses relating to the clerical employees shall be borne by the

1 Commission. The Commission may contract for professional, clerical, or consultant services as  
2 provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a  
3 State employee or a person currently under contract with the State to provide services.

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

6 **SECTION 60.6.** The Commission shall report the results of its study and its  
7 recommendations, including any proposed legislative changes, to the 2012 Regular Session of  
8 the 2011 General Assembly. The Commission shall terminate on May 1, 2012, or upon the  
9 filing of its final report, whichever occurs first.

10  
11 **PART LXI. AUTOMOBILE INSURANCE MODERNIZATION STUDY COMMISSION**  
12 **(H.B. 834 – Rhyne; S.B. 477 – Apodaca; S.B. 490 – Rucho)**

13 **SECTION 61.1.** There is created the Automobile Insurance Modernization Study  
14 Commission. The Commission shall consist of 17 members as follows:

- 15 (1) Five members of the House of Representatives appointed by the Speaker of  
16 the House of Representatives.
- 17 (2) Five members of the Senate appointed by the President Pro Tempore of the  
18 Senate.
- 19 (3) The Commissioner of Insurance or the Commissioner's designee.
- 20 (4) One representative of an automobile insurance company appointed by the  
21 Speaker of the House of Representatives.
- 22 (5) One representative of an automobile insurance company appointed by the  
23 President Pro Tempore of the Senate.
- 24 (6) One independent insurance agent appointed by the Speaker of the House of  
25 Representatives.
- 26 (7) One exclusive insurance agent appointed by the President Pro Tempore of  
27 the Senate.
- 28 (8) One representative of an academic institution of higher learning located in  
29 the State of North Carolina knowledgeable in insurance and insurance  
30 regulation appointed by the Speaker of the House of Representatives.
- 31 (9) One representative of a research or academic institution familiar with  
32 automobile insurance regulatory systems in other states appointed by the  
33 President Pro Tempore of the Senate.

34 **SECTION 61.2.** The Commission shall study issues related to the method and  
35 manner of establishing automobile insurance rates in North Carolina, to ensure consumers are  
36 receiving the fullest possible benefit from marketplace competition among insurers on pricing,  
37 product, and coverage options. The study shall include, but is not limited to, review of the  
38 insurance regulatory systems in other states; model laws and recommendations of the National  
39 Association of Insurance Commissioners and the National Conference of Insurance Legislators,  
40 the North Carolina Rate Bureau, the North Carolina Reinsurance Facility, and the Safe Driver  
41 Incentive Program; current and proposed restrictions and regulations on automobile insurance  
42 pricing, underwriting, and related issues; the method and effectiveness of assuring voluntary  
43 and involuntary automobile insurance markets; and the effect of modernizing the automobile  
44 insurance regulatory system upon the revenues, expenses, and operations of the Department of  
45 Insurance and the State of North Carolina.

46 **SECTION 61.3.** The Speaker of the House of Representatives and the President  
47 Pro Tempore of the Senate shall each appoint a co-chair for the Commission. The Commission  
48 may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the  
49 Legislative Services Commission, the Legislative Services Officer shall assign professional and  
50 clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the  
51 Commission through the offices of the House of Representatives and Senate Directors of

1 Legislative Assistants. The Commission may meet in the Legislative Building or the  
2 Legislative Office Building or other facilities of the State of North Carolina upon the approval  
3 of the Legislative Services Commission. The Commission, while in discharge of its official  
4 duties, may exercise all the powers provided under the provisions of G.S. 120-19 through  
5 G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of  
6 the State to provide any information, data, or documents within their possession, ascertainable  
7 from their records, or otherwise available to them, and the power to subpoena witnesses.  
8 Members of the Commission shall receive per diem, subsistence, and travel allowances at the  
9 rate established in G.S. 120-3.1, 138-5, or 138-6, as appropriate. The appointing authority shall  
10 fill any vacancies.

11 **SECTION 61.4.** The Commission shall submit a final report, including all  
12 recommended legislation, to the 2012 Regular Session of the 2011 General Assembly. The  
13 Commission shall terminate upon the filing of its final report or upon the convening of the 2012  
14 Regular Session of the 2011 General Assembly, whichever is earlier.

15 **SECTION 61.5.** From the funds available to the General Assembly, the Legislative  
16 Services Commission may allocate monies to fund the work of the Commission.

17  
18 **PART LXII. BLUE RIBBON COMMISSION TO STUDY THE NEED FOR TORT**  
19 **REFORM (H.B. 732 – Blust, Daughtry)**

20 **SECTION 62.1.** Commission Established. – There is established in the General  
21 Assembly a Blue Ribbon Commission to study the need for reform of the laws governing tort  
22 claims.

23 **SECTION 62.2.** Membership. – The Commission shall be composed of 25  
24 members as follows:

- 25 (1) Four members of the House of Representatives appointed by the Speaker of  
26 the House of Representatives.
- 27 (2) Four members of the Senate appointed by the President Pro Tempore of the  
28 Senate.
- 29 (3) Four persons appointed by the Governor.
- 30 (4) Two persons representing the defense bar, appointed by the North Carolina  
31 Association of Defense Attorneys.
- 32 (5) Two persons representing liability insurers, appointed by the North Carolina  
33 Insurance Federation.
- 34 (6) Two persons representing the plaintiff's trial bar, appointed by the North  
35 Carolina Advocates for Justice.
- 36 (7) Three persons appointed by the North Carolina Bar Association, to include  
37 at least one Professor of Torts from a law school in North Carolina.
- 38 (8) Four judges of the General Court of Justice appointed by the Chief Justice of  
39 the North Carolina Supreme Court.

40 **SECTION 62.3.** Duties of Commission. – The Commission shall study the  
41 following subjects relating to reform of North Carolina law of tort:

- 42 (1) The adoption of comparative negligence in lieu of contributory negligence.
- 43 (2) The adoption of several liability in lieu of joint and several liability in tort.
- 44 (3) The economic impact of any proposals for tort reform considered by the  
45 Commission, including the impact on accident victims, businesses, insurers,  
46 and State and local government.
- 47 (4) Any other subjects relating to tort law reform that the Commission  
48 determines to be in the public interest to study.
- 49 (5) The issues of nonattorney ownership of professional corporation law firms.  
50 As a part of its study, the Commission shall review the issues raised by the  
51 first edition of House Bill 832, 2011 General Assembly.

1           **SECTION 62.4.** Vacancies. – Any vacancy on the Commission shall be filled by  
2 the appointing authority.

3           **SECTION 62.5.** Cochairs. – Cochairs of the Commission shall be designated by  
4 the Speaker of the House of Representatives and the President Pro Tempore of the Senate from  
5 among their respective appointees. The Commission shall meet upon the  
6 call of the chairs. A quorum of the Commission shall be 13 members.

7           **SECTION 62.6.** Expenses of Members. – Members of the Commission shall  
8 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or  
9 138-6, as appropriate.

10          **SECTION 62.7.** Staff. – Adequate staff shall be provided to the Commission by  
11 the Legislative Services Office.

12          **SECTION 62.8.** Consultants. – The Commission may hire consultants to assist  
13 with the study. Before expending any funds for a consultant, the Commission shall report to the  
14 Joint Legislative Commission on Governmental Operations on the consultant selected, the work  
15 products to be provided by the consultant, and the cost of the contract, including an itemization  
16 of the cost components.

17          **SECTION 62.9.** Cooperation. – The Commission may call upon any department,  
18 agency, institution, or officer of the State or any political subdivision thereof for facilities, data,  
19 or other assistance.

20          **SECTION 62.10.** Meetings During Legislative Session. – The Commission may  
21 meet during a regular or extra session of the General Assembly, subject to approval of the  
22 Speaker of the House of Representatives and the President Pro Tempore of the Senate.

23          **SECTION 62.11.** Meeting Location. – The Legislative Services Commission shall  
24 grant adequate meeting space to the Commission in the State Legislative Building or the  
25 Legislative Office Building.

26          **SECTION 62.12.** Report. – The Commission shall make an interim report of its  
27 findings and recommendations to the 2012 Regular Session of the 2011 General Assembly and  
28 shall make a final report of its findings and recommendations to the 2013 General Assembly.  
29 The Commission shall submit copies of the reports to the Governor. The Commission shall  
30 terminate upon filing its report or upon the convening of the 2013 General Assembly,  
31 whichever is earlier.

32  
33       **PART LXIII. HOUSE SELECT COMMITTEE ON EXTRATERRITORIAL**  
34       **JURISDICTION (H.B. 281 – LaRoque)**

35          **SECTION 63.1.** The House Select Committee on Extraterritorial Jurisdiction is  
36 hereby established. The Committee shall consist of eight members appointed by the Speaker of  
37 the House of Representatives and the President Pro Tempore of the Senate as follows:

- 38           (1) Four members from the House of Representatives.  
39           (2) Four members from the Senate.

40          The Speaker of the House of Representatives shall designate one representative as  
41 cochair. The President Pro Tempore shall designate one senator as cochair. Vacancies of the  
42 Committee shall be filled by the same appointing authority that made the initial appointment.  
43 The Committee shall meet on the call of the cochairs. A quorum of the Committee shall be a  
44 majority of its members.

45          **SECTION 63.2.** The Committee shall examine any issues or matters which would  
46 impact the exercise of extraterritorial jurisdiction by cities and the impact of such jurisdiction  
47 on counties, property owners, and residents. The House Select Committee may continue to  
48 study the following:

- 49           (1) Current State laws applicable to extraterritorial jurisdiction.  
50           (2) Issues addressed by House Bill 281, 2011 Regular Session.

1 (3) Any other matter that is relevant to the exercise of extraterritorial  
2 jurisdiction by cities in this State.

3 **SECTION 63.3.** While in the discharge of its official duties, the Committee may  
4 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.  
5 Members of the Committee shall receive per diem, subsistence, and travel allowance as  
6 provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. With the prior approval of the  
7 Legislative Services Commission, the Legislative Services Officer shall assign professional and  
8 clerical staff to assist the Committee in its work. The Senate and House of Representatives shall  
9 assign clerical staff to the Committee. The Committee may contract for professional, clerical,  
10 or consultant services as provided by G.S. 120-32.02. The Committee may meet in the  
11 Legislative Building or Legislative Office Building and may meet at various locations around  
12 the State in order to promote greater public participation in its deliberations.

13 **SECTION 63.4.** The Committee shall submit a final report to the 2012 Regular  
14 Session of the 2011 General Assembly and may submit interim reports as it deems necessary.  
15 The Committee shall terminate upon filing its final report or upon the convening of the 2012  
16 Regular Session of the 2011 General Assembly, whichever comes first.

#### 17 18 **PART LXIV. OUT-OF-STATE TRAVEL**

19 **SECTION 64.1.** For legislative studies authorized by this act, out-of-state travel  
20 must be authorized by the President Pro Tempore of the Senate or the Speaker of the House of  
21 Representatives, as appropriate.

#### 22 23 **PART LXV. BILL AND RESOLUTION REFERENCES**

24 **SECTION 65.1.** The listing of the original bill or resolution in this act is for  
25 reference purposes only and may not be deemed to have incorporated by reference any of the  
26 substantive provisions contained in the original bill or resolution.

#### 27 28 **PART LXVI. EFFECTIVE DATE AND APPLICABILITY**

29 **SECTION 66.1.** Except as otherwise specifically provided, this act is effective  
30 when it becomes law. If a study is authorized both in this act and in the Current Operations and  
31 Capital Improvements Appropriations Act of 2011, the study shall be implemented in  
32 accordance with the Current Operations and Capital Improvements Appropriations Act of 2011  
33 as ratified.