

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 163*
Committee Substitute Favorable 7/19/99

Short Title: 1999 Studies.

(Public)

Sponsors:

Referred to:

February 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, TO CREATE VARIOUS STUDY COMMISSIONS, AND TO
4 DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES
5 AND COMMISSIONS TO STUDY SPECIFIED ISSUES.

6 The General Assembly of North Carolina enacts:

7

8 **PART I.—TITLE**

9 Section 1. This act shall be known as "The Studies Act of 1999".

10

11 **PART II.—LEGISLATIVE RESEARCH COMMISSION**

12 Section 2.1. The Legislative Research Commission may study the topics listed
13 below. When applicable, the bill or resolution that originally proposed the issue or study
14 and the name of the sponsor is listed. Unless otherwise specified, the listed bill or
15 resolution refers to the measure introduced in the 1999 Regular Session of the 1999
16 General Assembly. The Commission may consider the original bill or resolution in
17 determining the nature, scope, and aspects of the study. The following groupings are for
18 reference only:

19 (1) Governmental Agency and Personnel Issues:

- 1 a. Defined contribution pension plan for State employees and
2 teachers (H.B. 39 - Baker).
- 3 b. Child care subsidies for State employees, State-funded child care
4 facilities, and impact of new system of child care subsidy market
5 rate reimbursement to child care providers (H.B. 683 - Mosley).
- 6 c. State agencies' customer service quality assurance (H.B. 636 -
7 Owens).
- 8 d. Administrative process for State employee grievances (H.B. 1014
9 - Miller).
- 10 e. State employee comprehensive compensation system (H.B. 1158
11 - Nesbitt, Sherrill; S.B. 1031 - Reeves).
- 12 f. Retirement benefits for hazardous duty employees (Moore).
- 13 g. Procurement card pilot program of the Department of
14 Administration, including its effectiveness and efficiency, costs
15 and benefits, impact on accounting, budgeting, and purchasing
16 history records, how to identify realized savings, and the
17 feasibility of statewide implementation of the program
18 (Wainwright).
- 19 (2) Insurance and Managed Care Issues:
 - 20 a. Managed care issues, including any willing provider, patients'
21 rights, managed care entity liability, office of consumer advocacy
22 for insurance, prompt payment of health claims, and related
23 issues (S.B. 1089 - Harris, H.J.R. 1461 - Mosley).
 - 24 b. Mental health and chemical dependency parity (H.B. 713 -
25 Alexander; S.B. 836 - Martin of Pitt).
 - 26 c. Health reform recommendations of the Health Care Planning
27 Commission and its advisory committees (established by Section
28 1.2 of Chapter 529 of the 1993 Session Laws) that have not been
29 implemented but are still needed and other health reform issues
30 (Insko).
 - 31 d. Pharmacy choice/competition (H.B. 1277 - Cole; S.B. 137 -
32 Rand).
- 33 (3) Education Issues:
 - 34 a. Driver education programs; teen drivers (H.B. 1440 - Mosley).
 - 35 b. Seat belts on school buses (H.B. 355 - Mosley).
 - 36 c. Tax levying authority for school boards and relationship and
37 issues between counties and school boards.
 - 38 d. School boards review of applicable court orders (H.B. 790 -
39 Gulley).
 - 40 e. Partisan elections for Charlotte/Mecklenburg Board of Education
41 (H.B. 791 - Gulley).
 - 42 f. Minority and at-risk students academic achievement (H.B. 1116 -
43 Wright; S.B. 943 - Martin of Guilford).

- 1 (4) Human Resources and Health Issues:
2 a. Long-term care facility licensure compliance (H.J.R. 909 -
3 Mosley).
4 b. Biannual inspection and grading of adult care homes by county
5 social services departments, including areas and services to be
6 inspected and graded, penalties for failure to meet minimal grade
7 levels, fiscal impact on county social services departments,
8 posting of grade in the adult care home, and related issues (Earle
9 and Sherrill).
10 c. Defibrillators; use and liability (H.B. 1118 - Wright).
11 d. Medicaid recovery (H.J.R. 102 - Clary; S.J.R. 39 - Purcell).
12 e. Central registry for living wills and organ donations (H.B. 406 -
13 Fox).
14 f. Animal vaccination administration (H.B. 595 - Owens; H.B. 329
15 - Tucker).
16 g. Marriage license laws (H.J.R. 1365 - Hill; H.B. 973 - Hill; S.B.
17 1018 - Dalton).
18 h. Unvented gas heaters (S.B. 785 - Albertson).
19 i. Hunger and nutrition (H.B. 1229 - Adams; S.B. 944 - Martin of
20 Guilford).
21 j. Spaying/neutering of dogs and cats, including funding (H.B. 819
22 - Hensley; S.B. 330 - Kinnaird).
23 k. Health professions scope of practice.
24 l. Gun safety and storage (H.B. 1446 - Luebke; H.B. 1231 -
25 Kinney).
26 m. Dental hygienist licensure by credential and licensing
27 requirements (H.B. 506 - Braswell and Gardner; S.B. 665 -
28 Soles).
- 29 (5) Taxation and Economic Development Issues:
30 a. Consolidated income tax returns by affiliated corporations,
31 including the legal, fiscal, and other effects of consolidated or
32 combined reporting (H.J.R. 491 - McMahan).
33 b. Cost-effectiveness of tax incentives and other economic
34 development incentives (H.J.R. 1469 - Insko).
35 c. State taxation of pension income, including equal tax treatment
36 of government retiree's pensions, reduction of tax on private
37 pensions, reciprocal approaches for taxing state government
38 retirees of other states, and related issues (H.B. 1325 - Davis and
39 Hurley).
40 d. Impact of military bases on public services and taxes (Hurley and
41 Warner).
42 e. Property tax exemption for certain properties owned by
43 charitable hospitals (H.B. 954 - C. Wilson).

- 1 f. Capital incentive program for tourism (H.J.R. 1483 - Earle).
- 2 (6) Environmental/Agricultural Issues:
- 3 a. Wastewater system construction permits and related issues (H.B.
- 4 137 - Culp).
- 5 b. Beverage container deposits (H.B. 1413 - Luebke).
- 6 c. Red imported fire ants, including adverse impacts on health,
- 7 environment, land use, and economy, and the feasibility of
- 8 increasing control and eradication efforts (Warwick).
- 9 d. Coastal beach movement; beach renourishment, and storm
- 10 mitigation (H.B. 118 - Redwine; S.B. 54 - Ballantine, Allran).
- 11 e. Apple industry, including marketing, production, effect of
- 12 pesticide control, use of pesticides marketed in other countries,
- 13 impact of imported apples and apple products, use of juice
- 14 concentrate, and related issues (Justus).
- 15 f. Environmental impacts; sources of pollution (H.B. 1002 -
- 16 Warwick).
- 17 (7) Labor/Employment Issues:
- 18 a. Employment security and unemployment insurance tax issues
- 19 (H.B. 324 - C. Wilson).
- 20 b. Protection of youth labor in entertainment industry (H.B. 942 -
- 21 Goodwin).
- 22 c. Implementation of a State ergonomic standard.
- 23 (8) Government Regulatory Issues:
- 24 a. Regulation and practice of investment advisers, including current
- 25 registration and notice filing procedures, disclosure of
- 26 information to the public and its adequacy, feasibility of an
- 27 arbitration program within the Office of the Secretary of State to
- 28 arbitrate disputes and claims between investment advisers and
- 29 their clients, the use of internet-based security transactions, and
- 30 the need for a clearinghouse within the Office of the Secretary of
- 31 State to monitor and record these transactions (Braswell; S.B.
- 32 1010 - Hoyle).
- 33 b. Cash converter regulation (H.B. 1451 - Hurley).
- 34 c. Credit insurance and mortgage credit, including the licensing,
- 35 regulation, and examination of mortgage brokers and mortgage
- 36 lenders, financing of credit insurance premiums, and other
- 37 aspects of the mortgage market relating to the availability of
- 38 mortgage credit. These issues may be studied in conjunction
- 39 with issues required to be studied under Senate Bill 1149 (1999
- 40 Session).
- 41 d. Magistrates authority (H.B. 1224 - Baddour).
- 42 e. Bail bond industry regulation, including duties and liabilities of
- 43 industry participants with respect to producing defendants in

1 court, relationship between insurers and agents, and bondsmen
2 and runners, and Department of Insurance and court resources as
3 they relate to the bail bond industry (Baddour).

4 f. Telephone solicitation (H.B. 1080 - Allen).

5 (9) Transportation Issues:

6 a. Trucking safety (H.B. 1249 - C. Wilson).

7 b. Toll roads.

8 c. Municipal participation in road funding.

9 Section 2.2. Committee Membership. – For each Legislative Research
10 Commission committee created during the 1999-2001 biennium, the cochairs of the
11 Legislative Research Commission shall appoint the committee membership.

12 Section 2.3. Reporting Date. – For each of the topics the Legislative Research
13 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the
14 Commission may report its findings, together with any recommended legislation, to the
15 1999 General Assembly, 2000 Regular Session, or the 2001 General Assembly.

16 Section 2.4. Funding. – From the funds available to the General Assembly, the
17 Legislative Services Commission may allocate additional monies to fund the work of the
18 Legislative Research Commission.

19 **PART III.—NORTH CAROLINA TAX POLICY COMMISSION**

20 Section 3.1. Commission Established. – There is established a North Carolina
21 Tax Policy Commission.

22 Section 3.2. Membership. – The Commission shall consist of 13 members who
23 shall represent, insofar as practicable, the diverse interests and geographic regions of the
24 State and shall include individuals with expertise in tax policy, tax administration, and
25 professional tax practice.

26 The Speaker of the House of Representatives shall appoint five members, as
27 follows: two members of the General Assembly, one individual nominated by the North
28 Carolina League of Municipalities, one individual who represents business taxpayers, and
29 one individual who represents senior citizens.

30 The President Pro Tempore of the Senate shall appoint five members, as
31 follows: two members of the General Assembly, one individual nominated by the North
32 Carolina Association of County Commissioners, one individual who represents
33 nonbusiness taxpayers, and one individual who represents small business taxpayers.

34 The Governor shall appoint three members, as follows: one individual who
35 represents tax practitioners, one individual who represents nonprofit, charitable
36 organizations, and one individual who has demonstrated leadership and expertise in tax
37 policy.

38 Appointments to the Commission shall be made no later than August 31, 1999.
39 Vacancies shall be filled by the original appointing authority.

40 Section 3.3. Mission. – The mission of the Commission is to study, examine,
41 and, if necessary, design a realignment of the State and local tax structure in accordance
42 with a clear, consistent tax policy. This mission requires:
43

- 1 (1) Establishing the principles of taxation upon which a sound State and
2 local tax structure should be built for the 21st century.
- 3 (2) Examining the current State and local tax structure to determine if it
4 reflects these principles.
- 5 (3) Recommending changes in the State and local tax structure to the extent
6 it does, and does not, reflect these benchmark tax principles.
- 7 (4) Recommending principles and practices to simplify and consolidate
8 existing taxes to provide uniformity; to ease the administrative burden
9 on the taxpayer; to maximize taxpayers' use of electronic tax payment
10 and reporting methods; and to reduce the costs of collecting and
11 administering taxes.

12 Section 3.4. Duties. – The Commission shall:

- 13 (1) Evaluate the current State and local tax base in terms of:
 - 14 a. Responsiveness of each base to the changing and emerging
15 economies (e.g., from farming and manufacturing to services,
16 commerce, such as Internet sales, and technology).
 - 17 b. Rates compared to other states.
 - 18 c. Cost of collecting each tax.
 - 19 d. Tax burden imposed on individuals and businesses in the State.
 - 20 e. Principles of taxation reflected in the tax.
- 21 (2) Examine all current tax preferences, such as lower rates, exemptions,
22 exclusions, and refunds, to determine their public policy purpose;
23 examine the narrowing of the tax base that is a product of these
24 preferences; and evaluate the resulting impact on taxpayers not eligible
25 for these preferences.
- 26 (3) Review tax changes made in the last 10 years to determine their impact
27 on the State compared to their projected impact, and to assess any
28 economic or demographic conditions on the horizon that may alter their
29 impact.
- 30 (4) Examine the impact of changing intergovernmental (federal-State-local)
31 relationships upon funding among levels of government and the
32 resulting impact upon tax policy; and examine how the State, counties,
33 and cities will share a reduced federal funding role, when, in 2003, the
34 Balanced Budget Act takes full effect and federal domestic spending is
35 fully capped.
- 36 (5) Examine the impact of changing interlocal, (city/county) service
37 systems and the resulting effect on local tax policy; and examine how
38 area-wide services, such as fire suppression, water-sewer, and
39 recreation, should be financed and allocated.

40 Section 3.5. Report. – The Commission shall submit a final report of its
41 findings and recommendations by March 1, 2001, to the General Assembly, the
42 Governor, and the citizens of the State. The Commission may also make an interim
43 report, including recommended legislation, to the 2000 Regular Session of the 1999

1 General Assembly, and to the Governor and the citizens of the State. The report shall
2 include draft legislation to implement its recommendations along with an analysis of the
3 fiscal impact of each recommendation. The Commission shall terminate upon filing its
4 final report.

5 Section 3.6. Expenses of Members. – Members of the Commission shall
6 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
7 138-5, or 138-6, as appropriate.

8 Section 3.7. Cochairs; Meetings. – Cochairs of the Commission shall be
9 designated by the Speaker of the House of Representatives and the President Pro
10 Tempore of the Senate from among their respective appointees. The Commission shall
11 meet upon the call of the chairs. A majority of the members of the Commission shall
12 constitute a quorum.

13 The Commission may meet during a regular or special session of the General
14 Assembly, subject to approval of the Speaker of the House of Representatives and the
15 President Pro Tempore of the Senate. The Legislative Services Commission shall grant
16 adequate meeting space to the Commission in the State Legislative Building or the
17 Legislative Office Building.

18 Section 3.8. Subcommittees. – The Commission may appoint subcommittees of
19 its members and other knowledgeable persons or experts to assist it. It may also appoint
20 a Technical Advisory Board, if deemed desirable by its members to have an ongoing
21 body of technical experts.

22 Section 3.9. Citizen Participation. – The Commission shall establish a process
23 of citizen education and participation that assures the citizens of North Carolina of the
24 opportunity to be informed of and contribute to the work of the Commission.

25 Section 3.10. Staff. – Within funds available, the Commission, after
26 consultation with the Legislative Services Commission, shall employ a full-time
27 Executive Director who shall report to the Commission and serve at its pleasure. The
28 Executive Director shall be the Chief Executive Officer and may employ additional
29 employees and contract for services, subject to approval of the Commission. Additional
30 staff may be provided to the Commission by the Legislative Services Office.

31 Section 3.11. Powers. – The Commission, while in the discharge of official
32 duties, may exercise all the powers provided under the provisions of G.S. 120-19 through
33 G.S. 120-19.4. The Commission may contract for consultant services as provided by
34 G.S. 120-32.02, including revenue forecasting and estimating services from the Tax
35 Research Division of the Department of Revenue.

36 Section 3.12. Cooperation by Government Agencies. – The Commission may
37 call upon any department, agency, institution, or officer of the State or any political
38 subdivision of the State for facilities, data, or other assistance.

39 Section 3.13. Funding. – The Legislative Services Commission may allocate
40 from the General Assembly reserves up to five hundred thousand dollars (\$500,000) for
41 the expenses of the Commission. The Commission may apply for, receive, and accept
42 grants of non-State funds, or other contributions as appropriate to assist in the
43 performance of its duties.

PART IV.—STATE TORT LIABILITY AND IMMUNITY (Walend and Nesbitt)

Section 4.1. The Study Commission on State Tort Liability and Immunity is created and shall consist of 15 members as follows:

- (1) The President Pro Tempore of the Senate shall appoint four members from the membership of the State Senate and one member recommended by the President of the North Carolina State Bar who is experienced in plaintiff litigation claims under the Tort Claims Act.
- (2) The Speaker of the House of Representatives shall appoint four members from the membership of the House of Representatives and one member recommended by the President of the North Carolina State Employees Association.
- (3) The Governor shall appoint the following three members:
 - a. One member who shall be a representative of the Department of Transportation.
 - b. One member recommended by the President of The University of North Carolina. The member must be a faculty member of a North Carolina law school and familiar with tort liability law.
 - c. One member recommended by the Public Officers and Employees Insurance Liability Commission.
- (4) The Attorney General or a designee of the Attorney General representing the Justice Department.
- (5) The Commissioner of Insurance or a designee of the Commissioner representing the Department of Insurance.

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

Section 4.3. The Commission shall study issues concerning the tort liability and immunity of the State, including:

- (1) Whether injured persons receive adequate compensation without regard to how or where the injury occurred or by which State department, institution, agency, or employee of a State department, institution, or agency the person was injured.
- (2) The liability and immunity of the State and its employees, how that liability is defended, and how claims and judgments are paid.
- (3) The State Tort Claims Act, Article 31 of Chapter 143 of the General Statutes, the limits under this Act, how claims are defended, and how claims and judgments are paid.
- (4) Whether a program of self-insurance for the State is feasible or desirable.
- (5) Whether excess liability coverage should be expanded for certain types of tort claims or certain categories of State employees.
- (6) Any other relevant issues.

1 Section 4.4. The Commission may recommend changes to the law that will:

- 2 (1) Provide injured persons with adequate compensation.
3 (2) Clarify the present law by removing inconsistencies and outdated
4 provisions.
5 (3) Provide State departments, institutions, or agencies with predictable
6 exposure to the payment of tort claims from their budgets.
7 (4) Any other legislative proposals the Commission determines are needed
8 to address an issue studied under Section 4.3 of this act, to protect the
9 public, to improve the manner in which tort claims are paid, or to
10 improve the State's financial ability to provide coverage under the State
11 Tort Claims Act or provide excess coverage beyond the limits under the
12 State Tort Claims Act.

13 Section 4.5. It is not the intent that the Commission study tort reform as it
14 relates to the doctrine of contributory negligence or professional liability.

15 Section 4.6. The Commission shall report its findings and recommendations to
16 the 2001 General Assembly and may submit an interim report to the 2000 Regular
17 Session of the 1999 General Assembly. Upon filing its final report, the Commission shall
18 terminate.

19 Section 4.7. The Commission, while in the discharge of official duties, may
20 exercise all the powers provided for under the provisions of G.S. 120-19 and G.S. 120-
21 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call
22 of the cochairs. The Commission may meet in the State Legislative Building or the
23 Legislative Office Building with the approval of the Legislative Services Commission.

24 Section 4.8. Members of the Commission who are also members of the
25 General Assembly shall receive per diem, subsistence, and travel allowances at the rates
26 set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of
27 the State or local government agencies shall receive per diem, subsistence, and travel
28 allowances at the rates set forth in G.S. 138-6. All other Commission members shall
29 receive per diem, subsistence, and travel allowances at the rates set forth in G.S. 138-5.

30 Section 4.9. The Commission may contract for professional, clerical, or
31 consultant services as provided by G.S. 120-32.02. The Legislative Services
32 Commission, through the Legislative Administrative Officer, shall assign professional
33 staff to assist in the work of the Commission. The House of Representatives' and the
34 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the
35 direction of the Legislative Services Commission. The expenses relating to clerical
36 employees shall be borne by the Commission.

37 Section 4.10. When a vacancy occurs in the membership of the Commission,
38 the vacancy shall be filled by the same appointing officer who made the initial
39 appointment.

40 Section 4.11. All State departments and agencies and local governments and
41 their subdivisions shall furnish the Commission with any information in their possession
42 or available to them that the Commission requests.

1 Section 4.12. From funds appropriated to the General Assembly, the
2 Legislative Services Commission may allocate funds for the expenses of the Study
3 Commission on State Tort Liability and Immunity.
4

5 **PART V.—ELECTION LAWS STUDY COMMISSION (H.B. 1073 - Alexander)**

6 Section 5.1. There is created an Election Laws Revision Commission. The
7 Commission shall be composed of 17 members. Twelve members shall be appointed as
8 follows:

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

18 The Chair and the Executive Secretary-Director of the State Board of Elections shall be
19 ex officio members. The State chairs of the three political parties whose nominees for
20 Governor received the largest number of votes in the most recent general election for
21 Governor shall be ex officio members. All members of the Commission, whether
22 appointed or ex officio, shall be voting members.

23 Section 5.2. The President Pro Tempore of the Senate and the Speaker of the
24 House of Representatives shall each designate a cochair of the Commission from their
25 appointees.

26 Section 5.3. The Election Laws Revision Commission shall study the
27 following:

- 28 (1) The election laws, policies, and procedures of the State.
- 29 (2) The administration of those laws, policies, and procedures at the State
30 and local levels and the responsibilities of those administering these
31 laws.
- 32 (3) The election laws, policies, and procedures of other States and
33 jurisdictions.
- 34 (4) Federal and State case rulings impinging on these laws, policies, and
35 practices.
- 36 (5) Public financing for campaigns.
- 37 (6) APA exemption for the State Board of Elections.
- 38 (7) Preference voting and instant second primaries.

39 Section 5.4. The Commission shall prepare and recommend to the General
40 Assembly a comprehensive revision of the election laws of North Carolina that will
41 accomplish the following:

- 42 (1) Remove inconsistencies, inaccuracies, ambiguities, and outdated
43 provisions in the law.

- 1 (2) Incorporate in the law any desirable uncodified procedures, practices,
2 and rulings of a general nature that have been implemented by the State
3 Board of Elections or its Executive Secretary-Director.
- 4 (3) Conform the statutory law to State and federal case law and to any
5 requirements of federal statutory law and regulation.
- 6 (4) Ensure the efficient and effective administration of elections in this
7 State.
- 8 (5) Continue the impartial, professional administration of elections, which
9 the citizens of the State expect and demand.
- 10 (6) Recodify the election laws, as necessary, to produce a comprehensive,
11 clearly understandable structure of current North Carolina election law,
12 susceptible to orderly expansion as necessary.

13 Section 5.5. With the prior approval of the Legislative Services Commission,
14 the Legislative Services Officer shall assign professional staff to assist in the work of the
15 Election Laws Revision Commission and may provide for additional staffing by the State
16 Board of Elections, Office of the Attorney General, and the Institute of Government.
17 With prior approval of the State Board of Elections, the Election Laws Revision
18 Commission may hold its meetings in the offices of the State Board. With the prior
19 approval of the Legislative Services Commission, the Election Laws Revision
20 Commission may hold its meetings in the State Legislative Building or the Legislative
21 Office Building.

22 Section 5.6. The Commission shall submit a final written report of its findings
23 and recommendations on or before the convening of the 2001 Session of the General
24 Assembly and may submit a report to the 2000 Regular Session of the 1999 General
25 Assembly. All reports shall be filed with the President Pro Tempore of the Senate and
26 the Speaker of the House of Representatives, the Principal Clerks of the Senate and the
27 House of Representatives, and the Legislative Librarian. Upon filing its final report, the
28 Commission shall terminate.

29 Section 5.7. Members of the Commission shall be paid per diem, subsistence,
30 and travel allowances as follows:

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

36 Section 5.8. All State departments and agencies, local boards of elections, and
37 local governments and their subdivisions shall cooperate with the Commission and, upon
38 request, shall furnish to the Commission and its staff any information in their possession
39 or available to them.

40 Section 5.9. From funds appropriated to the General Assembly, the Legislative
41 Services Commission may allocate funds for the expenses of the Election Laws Revision
42 Commission.

43

PART VI.—CHILDREN WITH SPECIAL NEEDS (H.B. 1435 - Boyd-McIntyre)

Section 6.1. There is established the Study Commission on Children With Special Needs. The Commission shall consist of 18 members, appointed as follows:

(1) Seven persons appointed by the Speaker of the House of Representatives, four of whom shall be members of the House of Representatives, and three of whom shall be public members, as follows:

- a. One member representing The ARC of North Carolina;
- b. One member representing the Exceptional Children's Assistance Center; and
- c. One member representing Carolina Legal Assistance;

(2) Seven persons appointed by the President Pro Tempore of the Senate, four of whom shall be members of the Senate, and three of whom shall be public members, as follows:

- a. One member representing The Education and Law Project;
- b. One member representing The Children's Law Center of Charlotte; and
- c. One member representing Covenant with North Carolina's Children;

(3) Four persons appointed by the Governor, as follows:

- a. One of whom is a parent of a special needs child;
- b. One of whom is a public school teacher;
- c. One of whom is a member of the general public; and
- d. One of whom represents the Governor's Advocacy Council for Persons with Disabilities.

Each appointing authority shall assure insofar as possible that its appointees to the Commission reflect the composition of the North Carolina population with regard to ethnic, racial, age, gender, and religious composition.

Section 6.2. The Commission shall study issues related to meeting the educational needs of children with special needs, and in particular to study the alternative funding methods and the effects of the current twelve and one-half percent (12.5%) cap on funding for the education of children with special needs.

Section 6.3. The Commission may make an interim report to the 1999 General Assembly, Regular Session 2000, upon its convening, and shall make its final report to the 2001 General Assembly upon its convening, and to the Governor. Upon submitting its final report, the Commission shall expire. An interim report to the 2000 General Assembly may recommend proposed legislation.

Section 6.4. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign appropriate professional staff from the Legislative Services Office of the General Assembly to assist with the study. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The

1 Commission may meet in the Legislative Building or the Legislative Office Building
2 upon the approval of the Legislative Services Commission.

3 Section 6.5. The Speaker of the House of Representatives and the President Pro
4 Tempore of the Senate shall each designate a cochair of the Commission. The
5 Commission shall meet upon the call of the cochairs. A quorum of the Commission is 10
6 members. While in the discharge of its official duties, the Commission has the powers of
7 a joint committee under G.S. 120-19 and G.S. 120-19.1. Members of the Commission
8 shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-
9 3.1, 138-5, or 138-6, as appropriate.

10 Section 6.6. From funds appropriated to the General Assembly, the Legislative
11 Services Commission may allocate funds for the expenses of the Study Commission on
12 Children With Special Needs.

13 14 **PART VII.—TRANSPORTATION STUDIES**

15 Section 7.1. The Joint Legislative Transportation Oversight Committee shall
16 study nonbetterment utility relocation costs (H.B. 789 - Goodwin) and shall report its
17 findings and recommendations to the 2000 Regular Session of the 1999 General
18 Assembly or the 2001 General Assembly.

19 20 **PART VIII.—LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, 21 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES**

22 Section 8.1. The Implementation Advisory Committee that was created by the
23 Legislative Study Commission on Mental Health, Developmental Disabilities, and
24 Substance Abuse Services may continue its work with the Developmental Disabilities
25 Section of the Division of Mental Health, Developmental Disabilities, and Substance
26 Abuse Services, Department of Health and Human Services, to update strategies of the
27 Mental Health Study Commission's Developmental Disabilities Plan. The
28 Implementation Advisory Committee may make its final report to the Legislative Study
29 Commission on Mental Health, Developmental Disabilities, and Substance Abuse
30 Services on or before July 1, 2000, and upon making its final report shall terminate unless
31 extended by the Legislative Study Commission on Mental Health, Developmental
32 Disabilities, and Substance Abuse Services (H.J.R. 627 - Alexander).

33 Section 8.2. The Legislative Study Commission on Mental Health,
34 Developmental Disabilities, and Substance Abuse Services shall study whether and under
35 what circumstances certain persons committed involuntarily to State psychiatric hospitals
36 should be released under specific conditions. In conducting the study, the Commission
37 shall consider the following:

- 38 (1) The target population for whom conditional release may be appropriate
39 and necessary to protect public safety and enhance patient stability.
40 (2) The estimated number of persons who could qualify for conditional
41 release.

- 1 (3) Criteria for conditional release that are clearly and narrowly defined to
2 ensure that conditional release will apply only to the target population
3 and will not be susceptible to being applied in an overinclusive manner.
4 (4) Costs of implementing conditional release, including the need for such
5 additional resources at the area mental health authority level as
6 medication, transportation, case management, and administrative start-
7 up costs.
8 (5) The role, duties, and responsibilities of area mental health authorities,
9 24-hour facilities, courts, and law enforcement agencies. These roles,
10 duties, and responsibilities should be sufficiently and clearly defined to
11 ensure both efficient coordination and communication among these
12 entities and continuity of care for respondents on conditional release.
13 (6) The qualifications necessary for personnel monitoring and supervising
14 conditional release and providing treatment to respondents on
15 conditional release.
16 (7) The mental health system issues and patient disabilities that currently
17 contribute to patient noncompliance with recommended treatment, and
18 treatment approaches and systems designs that would enhance patient
19 compliance, mental health, and quality of life.
20 (8) Any other issues the Commission deems appropriate for the study.

21 The Commission shall report its findings and recommendations under this Part
22 to the 1999 General Assembly, Regular Session 2000, not later than one week prior to its
23 convening. The Commission's report may include recommended legislation for
24 consideration by the 1999 General Assembly, Regular Session 2000 (H.B. 298 -
25 Hackney).
26

27 **PART IX.—FUTURE OF ELECTRIC SERVICE FUNDING CONTINUATION**
28 **(H.B. 777 - McComas; S.B. 266 - Hoyle)**

29 Section 9.1. Section 10.1 of S.L. 1997-483 reads as rewritten:

30 "Section 10.1. Notwithstanding G.S. 62-302(d), all expenses during the ~~1997-98 and~~
31 ~~the 1998-99~~ 1997-98, 1998-99, and 1999-2000 fiscal years of the Study Commission on
32 the Future of Electric Service in North Carolina, established in S.L. 1997-40, shall be
33 reimbursed from funds in the Utilities Commission and Public Staff Fund. There is
34 allocated initially one hundred thousand dollars (\$100,000) from the Utilities
35 Commission and Public Staff Fund to the General Assembly for the purpose of enabling
36 the Study Commission on the Future of Electric Service in North Carolina to organize
37 and begin its work. Upon the certification of the need for additional funds by the
38 cochairs of the Study Commission on the Future of Electric Service in North Carolina for
39 the work of the Commission, the Utilities Commission shall transfer the additional funds
40 from the Utilities Commission and Public Staff Fund to the General Assembly for that
41 purpose."

42 Section 9.2. This Part is effective retroactively to June 30, 1999.
43

PART X.—DENR STUDY BURNING PERMITS (Thomas)

Section 10.1. The Department of Environment and Natural Resources shall review its current procedures concerning permits issued for open burning in or near woodlands under the protection of the Department of Environment and Natural Resources under Article 4C of Chapter 113 of the General Statutes when the burning is to occur on five or more acres of land and shall determine whether more controls are needed in order to protect the public or the environment, or both. The Department shall report its findings and recommendations, including legislative proposals, if any, to the Environmental Review Commission no later than May 15, 2000.

PART XI.—STUDY COMMISSION ON AGING/IMMUNIZATION OF NURSING AND ADULT CARE HOME EMPLOYEES AND RESIDENTS (Insko)

Section 11.1. The North Carolina Study Commission on Aging shall study the issue of annual immunization of residents and employees of nursing homes, adult care homes, and adult day care homes against influenza, and the immunization of residents every five years against pneumococcal disease. In conducting the study, the Commission shall consider the following:

- (1) Requiring that facilities obtain the written, informed consent to immunization by residents and employees.
- (2) Providing for exemptions from immunization on the basis of medical contraindication or religious belief.
- (3) The dates by which annual immunizations should be administered.
- (4) Methods for ensuring facility compliance with immunization requirements, including documentation of immunizations performed.
- (5) Fiscal impact of providing immunizations.
- (6) Any other matters the Commission deems relevant to the study.

The Commission shall report its findings and recommendations under this Part, including recommended legislation, to the 1999 General Assembly, Regular Session 2000, not later than May 1, 2000.

PART XII.—EDUCATION OVERSIGHT STUDIES

Section 12.1. The Joint Legislative Education Oversight Committee shall study the following issues. The Committee may report to the 2000 Regular Session of the 1999 General Assembly or the 2001 General Assembly:

- (1) Public schools' purchase of natural gas supplies in the competitive market through the system of the local distribution company serving the area in which the school is located (Allred and Warner).
- (2) High school graduation standards, including adequacy of course requirements and related issues (H.B. 536 - Moore; S.B. 762 - Carter).

PART XIII.—GENERAL STATUTES COMMISSION/UCC STUDY (H.J.R. 122 - Culpepper; S.J.R. 162 - Hartsell)

1 Section 13.1. The General Statutes Commission shall study Uniform
2 Commercial Code Revised Article 9 (Secured Transactions) and conforming amendments
3 to other sections of the General Statutes and report any recommended legislation to the
4 1999 General Assembly, Regular Session 2000.

5
6 **PART XIV.—JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND**
7 **AQUACULTURE/SEAFOOD LABELED AS TO ORIGIN (H.B. 953 - Smith)**

8 Section 14.1. The Joint Legislative Commission on Seafood and Aquaculture
9 shall study the desirability and feasibility of requiring seafood entering the State to be
10 labeled as to its state or country of origin. The Joint Legislative Commission on Seafood
11 and Aquaculture shall report its findings and recommendations, if any, to the 2000
12 Regular Session of the 1999 General Assembly.

13
14 **PART XV.—ENVIRONMENTAL REVIEW COMMISSION**

15 Section 15.1. The Environmental Review Commission shall study motor
16 vehicle emissions testing and maintenance requirements under Part III of Senate Bill 953
17 (1999 Regular Session) as they relate to individual counties and shall report its findings
18 and recommendations to the 2000 Regular Session of the 1999 General Assembly
19 (Gibson).

20
21 **PART XVI.—BILL AND RESOLUTIONS REFERENCES**

22 Section 16.1. The listing of the original bill or resolution in this act is for
23 reference purposes only and shall not be deemed to have incorporated by reference any of
24 the substantive provisions contained in the original bill or resolution.

25
26 **PART XVII.—EFFECTIVE DATE AND APPLICABILITY**

27 Section 17.1. Except as otherwise specifically provided, this act becomes
28 effective July 1, 1999. If a study is authorized both in this act and the Current Operations
29 Appropriations Act of 1999, the study shall be implemented in accordance with the
30 Current Operations Appropriations Act of 1999 as ratified.