

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 231\*
Appropriations Committee Substitute Adopted 7/25/89
Third Edition Engrossed 8/1/89

Short Title: Studies for 1989-90.

(Public)

Sponsors:

Referred to:

February 22, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND
COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO
DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Studies Act of 1989."

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An outline of the provisions of the act follows this section. The outline
shows the heading "—CONTENTS/INDEX—"and lists by general category the
descriptive captions for the various sections and groups of sections that compile the act.

—CONTENTS/INDEX—

This outline is designed for reference only, and the outline and the
corresponding entries throughout the act in no way limit, define, or prescribe the scope
or application of the text of the act. The listing of the original bill or resolution in the
outline of this act is for reference purposes only and shall not be deemed to have
incorporated by reference any of the provisions contained in the original bill or
resolution.

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19 PART II.—LEGISLATIVE RESEARCH COMMISSION

20          Sec. 2.1. The Legislative Research Commission may study the topics listed  
21 below. Listed with each topic is the 1989 bill or resolution that originally proposed the  
22 issue or study and the name of the sponsor. The Commission may consider the original  
23 bill or resolution in determining the nature, scope and aspects of the study. The topics  
24 are:

- 25           (1) Acquired Immune Deficiency Syndrome—AIDS (S.J.R. 74 - Marvin),  
26           (2) State Ports—study continued (S.J.R. 96 - Barker, H.B. 133 - Hall),  
27           (3) Solid Waste (S.J.R. 112 - Speed, S.B. 1214 - Basnight),  
28           (4) Worker Training Trust Fund (S.B. 271 - Parnell),  
29           (5) Tourism's Growth and Effect—study continued (S.B. 297 - Block, H.B.  
30           379 - Warren),  
31           (6) Deregulation of Revolving Credit and Authorization of Credit Card  
32           Banks (S.B. 377 - Staton),  
33           (7) Comprehensive Groundwater Legislation Need (S.J.R. 367 - Winner,  
34           H.B. 554 - DeVane),  
35           (8) Public Health Services (S.B. 435 - Block),  
36           (9) Administrative Procedure Act's Rule-Making Process (S.B. 535 -  
37           Johnson) and Office of Administrative Hearings and the  
38           Administrative Rules Review Commission (S.J.R. 1003 -Martin of  
39           Guilford, H.B. 1459 - Michaux),  
40           (10) Medical Emergency Services (S.J.R. 880 - Harris), and Medical  
41           Services for Law Enforcement Personnel (S.B. 1303 - Marvin, H.B.  
42           1359 - Justus),  
43           (11) " Willie M." Programs (S.J.R. 887 - Block),  
44           (12) Statutory Rape Laws (S.B. 906 - Chalk),

- 1 (12a) State Procurement Contracts to Minority Business Enterprises (S.B.
- 2 927 - Hunt of Durham),
- 3 (13) Eminent Domain for Coal Slurry Pipelines (S.B. 1074 - Condor),
- 4 (14) Toxic Materials in Medicine and Dentistry (S.B. 1171 - Tally),
- 5 (15) Yadkin River Use and Protection (S.B. 1182 - Kaplan),
- 6 (17) Consumer Protection Issues for the Elderly (S.B. 1261 - Barker),
- 7 (18) State Marine Patrol (S.B. 1267 - Barker),
- 8 (19) Mandatory Continuing Legal Education (S.J.R. 1288 - Marvin),
- 9 (20) Sports Fishing Licenses (S.B. 1284 - Barker).
- 10 (21) Procedures to shorten the legislative session.

11 Sec. 2.2. Local Revenue Sources Options (S.B. 1298 - Odom). The  
12 Legislative Research Commission may develop proposed options for local revenue  
13 sources, including an additional one-half cent (1/2¢) local sales and use tax, a local  
14 option county income tax on county residents and/or people who work in the county,  
15 and a local option county payroll tax and permanent source of revenue to local  
16 governments from the North Carolina income tax to replace reimbursements currently  
17 appropriated each year from the General Fund. In developing the proposals, the  
18 Commission may consider the fiscal impact of each proposal, how to simplify the  
19 administration of each proposal, how to reduce the burden on businesses, individuals,  
20 and the Department of Revenue in complying with each proposal, and other practical  
21 and legal issues associated with the proposals.

22 Sec. 2.3. Legislative Activity Between Legislative Sessions. The Legislative  
23 Research Commission may study the procedures of this, other states' and other  
24 legislative bodies' practices and procedures regulating legislative and study activity  
25 between legislative sessions and may make recommendations as to changes in law,  
26 procedures and rules that will lead to greater efficiency in the legislative process while  
27 safeguarding the rights of all members of the General Assembly and of the citizens in  
28 this State's legislative process.

29 Sec. 2.3A. State Capital Assets and Improvements (S.B. 1240 - Sherron).  
30 The Legislative Research Commission may study the:

- 31 (1) Inventory of State capital assets and the use of those assets,
- 32 (2) Issue of preventive maintenance for State buildings,
- 33 (3) Need and feasibility of:
  - 34 a. Establishing in the State budget a reserve for repairs and
  - 35 renovations and the administration of such a reserve, and
  - 36 b. Charging rent to State agencies using State buildings.

37 Sec. 2.4. Reporting Dates. For each of the topics the Legislative Research  
38 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the  
39 Commission may report its findings, together with any recommended legislation to the  
40 1990 Session of the 1989 General Assembly, or the 1991 General Assembly, or both.

41 Sec. 2.5. Bills and Resolution References. The listing of the original bill or  
42 resolution in this Part is for reference purposes only and shall not be deemed to have  
43 incorporated by reference any of the substantive provisions contained in the original bill  
44 or resolution.





- 1 (7) Analyze what the State is currently doing to encourage North  
2 Carolina businesses and industry to provide adequate child care for  
3 their employees;
- 4 (8) Identify the North Carolina employers that presently provide child  
5 care options for their employees and what types of options they  
6 provide;
- 7 (9) Undertake a comprehensive study of the types of tax incentives and  
8 other incentives that would encourage North Carolina businesses—  
9 especially those that have 50 or more employees—to either provide  
10 on-site child care facilities or provide other child care options and  
11 the cost to the State of these tax incentives;
- 12 (10) Recommend what the State could be doing to encourage North  
13 Carolina businesses to provide on-site child care facilities or other  
14 child care options for their employees;
- 15 (11) Recommend a comprehensive policy for North Carolina to  
16 encourage businesses within the State to provide on-site child care  
17 facilities or other child care options for their employees; and
- 18 (12) Study the concept of requiring coverage of child health supervision  
19 services in all health insurance policies sold or delivered within the  
20 State.

21 **"§ 120-70.62. Membership; cochairmen; vacancies.**

22 The Commission shall consist of 14 members, as follows:

- 23 (1) The Secretary of Human Resources or his designee;
- 24 (2) The Superintendent of Public Instruction or his designee;
- 25 (3) Three members of the House of Representatives appointed by the  
26 Speaker of the House;
- 27 (4) Three members of the Senate appointed by the President Pro  
28 Tempore of the Senate;
- 29 (5) Two members at-large appointed by the Speaker of the House;
- 30 (6) Two members at-large appointed by the President Pro Tempore of  
31 the Senate; and
- 32 (7) Two members at-large appointed by the Governor.

33 Vacancies shall be filled in the same manner as the initial appointments.

34 The Commission shall have its initial meeting no later than October 1, 1989 at the  
35 call of the Speaker of the House and the President Pro Tempore of the Senate. The  
36 Speaker of the House and the President Pro Tempore shall each appoint a cochairman  
37 from the membership of the Commission. The membership shall meet upon the call of  
38 the cochairmen.

39 **"§ 120-70.63. Compensation and expenses of members.**

40 The Commission members shall receive no salary for serving but shall receive  
41 necessary subsistence and travel expenses in accordance with the provisions of G.S.  
42 120-3.1, G.S. 138-5, and G.S. 138-6 as applicable.

43 **"§ 120-70.64. Additional powers.**

1 The Commission may hold public meetings across the State to solicit public input  
2 with respect to the issues of the family.

3 The Commission shall have authority to obtain information and data from all State  
4 officers, agents, agencies, and departments while in the discharge of its duties, pursuant  
5 to the provisions of G.S. 120-19 as if it were a committee of the General Assembly.  
6 The Commission shall have the authority to call witnesses, compel testimony relevant to  
7 any matter properly before the Commission, and subpoena relevant records and  
8 documents. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the  
9 proceedings of the Commission as if it were a joint committee of the General Assembly.  
10 In addition to the other signatures required for the issuance of a subpoena under this  
11 section, the subpoena shall also be signed by the cochairmen of the Commission. Any  
12 cost of providing information to the Commission not covered by G.S. 120-19.3 may be  
13 reimbursed by the Commission from funds available for the Commission's work.

14 The Commission shall report its findings and recommendations to the General  
15 Assembly and the Governor no later than February 1 of each odd-numbered year.

16 **"§ 120-70.65. Staffing.**

17 At the request of the Commission, the Legislative Services Commission may supply  
18 members of the staff of the Legislative Services Office and clerical assistance to the  
19 Commission as it deems appropriate. The Commission may, with the approval of the  
20 Legislative Services Commission, meet in the State Legislative Building or the  
21 Legislative Office Building."

22 Sec. 3.2. There is allocated from the funds appropriated to the Legislative  
23 Services Commission from the reserve for studies to the Commission on the Family for  
24 its work the sum of \$25,000 for the 1989-1990 fiscal year and the sum of \$25,000 for  
25 the 1990-1991 fiscal year.

26  
27 **PART IV.—STATE INFRASTRUCTURE AND LOCAL GOVERNMENT NEEDS**  
28 **STUDY COMMISSION**

29 Sec. 4.1. The State Infrastructure Needs and Financing Study Commission is  
30 created. The Commission shall:

- 31 (1) Undertake a comprehensive review and analysis of the impact upon  
32 community service facilities of any new development, construction,  
33 or installation that requires any permit, certification, or other  
34 governmental or quasi-governmental action allowing real property  
35 development and that generates or tends to generate the need for  
36 new, expanded, or improved community service facilities. For  
37 purposes of this study, the term "community service  
38 facilities" means public facilities or improvements provided or  
39 established by a local government, including those provided or  
40 established by a local government jointly with other units of  
41 government or government agencies, whether local, State, or  
42 federal. The term includes utility facilities, transportation facilities,  
43 parks and recreation facilities, drainage and water quality facilities,  
44 streets and sidewalks, open spaces, emergency and public safety

- 1 facilities, sewer treatment facilities, and waste disposal facilities,  
2 but does not include public educational facilities such as schools,  
3 technical institutions, community colleges, and similar facilities;
- 4 (2) Undertake a comprehensive review and analysis of the various  
5 methods by which local governments both within North Carolina  
6 and within other states, as deemed appropriate by the Commission,  
7 fund the costs of expanded, new, or improved community service  
8 facilities;
- 9 (3) Determine the most equitable and appropriate means for local  
10 governments to obtain funds to provide the new, expanded, or  
11 improved community service facilities needed because of the real  
12 property development described in subdivision (1). The  
13 Commission shall, in making this determination, consider and  
14 analyze all practical, legal funding means which are, or which  
15 constitutionally could be, available to local governments;
- 16 (4) Study State financial support of local government functions,  
17 including the following:
- 18 a. A review of the extent to which the State provides financial  
19 support to or for the benefit of local governments;
- 20 b. A review of the history of State policies that have influenced  
21 the State's support of local governments;
- 22 c. Identification of local functions that should be subsidized by the  
23 State and determination of the extent of State support that  
24 would be appropriate;
- 25 d. Recommendation of a viable, reasonable, and balanced State  
26 policy on State support of local government functions for the  
27 remainder of this century; and
- 28 e. Recommendations for further consideration by other  
29 commissions regarding sources of revenue and methods of  
30 generating revenue to meet the State's obligations for State  
31 funding or joint State-local funding of local government  
32 functions;
- 33 (5) Study the need for additional local government revenue sources to  
34 supplement the property tax, local sales and use taxes, and other  
35 existing revenue sources;
- 36 (6) Review recent changes in federal and State law that have reduced  
37 financial assistance to local governments, created needs for  
38 increased expenditures, and restricted the property tax base;
- 39 (7) Undertake a comprehensive review of State and local functional  
40 and funding responsibilities for services provided by State and  
41 local government units in North Carolina;
- 42 (8) Make a comprehensive review of sources of funding local  
43 government units in North Carolina;

- 1           (9)     Study the system under which local units are dependent on the  
2                     State for authorization of changes in local revenue sources;  
3           (10)    Analyze the impact of federal legislation since 1981 and potential  
4                     federal legislation on the fiscal outlook of the State and local  
5                     government units;  
6           (11)    Analyze the methods and formulas used in providing State  
7                     financial assistance to local government units, including  
8                     reimbursement for local tax changes;  
9           (12)    Analyze the relationship between the State and local budget cycles;  
10          (13)    Review the process by which local fiscal impact information is  
11                     presented during the State budget process; and  
12          (14)    Discuss the merits of establishing a permanent advisory  
13                     commission comprised of State and local elected officials and  
14                     private citizens that would continually review State and local fiscal  
15                     relationships.

16          Sec. 4.2. The Commission shall consist of 20 members to be appointed as  
17 follows:

- 18           (1)     Five members of the Senate appointed by the President Pro  
19                     Tempore of the Senate, one of whom shall be designated cochair;  
20           (2)     Five public members appointed by the President Pro Tempore of  
21                     the Senate, one of whom shall be an elected city government  
22                     official, one of whom shall be from the land use planning  
23                     department or agency of a city, and two of whom shall be persons  
24                     who are involved with or have had extensive experience in land  
25                     development;  
26           (3)     Five members of the House of Representatives appointed by the  
27                     Speaker of the House of Representatives, one of whom shall be  
28                     designated cochair; and  
29           (4)     Five public members appointed by the Speaker of the House of  
30                     Representatives, one of whom shall be an elected county  
31                     government official, one of whom shall be from the land use  
32                     planning department or agency of a county, and two of whom shall  
33                     be persons who are involved with or who have had extensive  
34                     experience in land development.

35          Sec. 4.3. Members appointed to the Commission shall serve until the  
36 Commission makes its final report. Vacancies on the Commission shall be filled in the  
37 same manner as the original appointments were made.

38          Sec. 4.4. Upon request of the Commission or its staff, all State departments  
39 and agencies and all local government departments and agencies shall furnish to the  
40 Commission or its staff any information in their possession or available to them.

41          Sec. 4.5. The Commission may submit an interim report of its findings and  
42 recommendations and the status of its review and analyses to the General Assembly on  
43 or before the first day of the 1990 Regular Session of the 1989 General Assembly. The  
44 Commission shall submit the final report of its findings and recommendations to the

1 General Assembly on or before January 15, 1991. All reports shall be submitted by  
2 filing the report with the Speaker of the House of Representatives and the President Pro  
3 Tempore of the Senate. The Commission shall terminate upon filing its final report.

4 Sec. 4.6. The Commission shall meet upon the call of the cochairs.

5 Sec. 4.7. Upon approval of the Legislative Services Commission, the  
6 Legislative Services Officer shall assign professional and clerical staff to assist in the  
7 work of the Commission. Clerical staff shall be furnished to the Commission through  
8 the Offices of House and Senate Supervisors of Clerks. The expenses of employment of  
9 the clerical staff shall be borne by the Commission. The Commission may meet in the  
10 Legislative Building or the Legislative Office Building upon the approval of the  
11 Legislative Services Commission.

12 Sec. 4.8. Members of the Commission shall be paid per diem, subsistence,  
13 and travel allowances as follows:

- 14 (1) Commission members who are also members of the General  
15 Assembly, at the rate established in G.S. 120-3.1.
- 16 (2) Commission members who are officials or employees of the State  
17 or local government agencies, at the rate established in G.S. 138-6.
- 18 (3) All other Commission members at the rate established in G.S. 138-  
19 5.

20 Sec. 4.9. There is allocated from the funds appropriated to the Legislative  
21 Services Commission from the reserve for studies to the State Infrastructure and Local  
22 Government Needs Study Commission for its work the sum of \$30,000 for the 1989-  
23 1990 fiscal year and the sum of \$25,000 for the 1990-1991 fiscal year.

## 24 25 PART V.—MENTAL HEALTH STUDY COMMISSION

26 Sec. 5.1. The Mental Health Study Commission, established and structured  
27 by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter  
28 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session  
29 Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter  
30 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; and Chapter 873, 1987  
31 Session Laws; is revived and authorized to continue in existence until July 1, 1991.

32 Sec. 5.2. Section 2 of Resolution 80, Session Laws of 1973, as amended by  
33 Chapter 806, Session Laws of 1973, Section 2 of Chapter 184, Session Laws of 1977,  
34 and as rewritten by Section 10.1 of Chapter 792 of the 1985 Session Laws, reads as  
35 rewritten:

36 "Sec. 2. Appointment of Members. The Commission shall consist of 24 members.  
37 The Speaker of the House shall appoint eight members at least six of whom at the time  
38 of their appointment are members of the House, and one of those six shall be Chairman  
39 of the Mental Health Committee of the House of Representatives. The President Pro  
40 Tempore of the Senate shall appoint eight members at least six of whom at the time of  
41 their appointment are members of the Senate, and one of those six shall be Chairman of  
42 the Senate Human Resources Committee. The Governor shall appoint eight members,  
43 two of whom at the time of their appointment shall be county commissioners taken from  
44 a list of four candidates nominated by the North Carolina Association of County

1 Commissioners. If that Association fails to make nominations by September 1,  
2 ~~1985~~1989, the Governor may appoint any two county commissioners."

3           Sec. 5.3. The first sentence of Section 3 of Resolution 80, Session Laws of  
4 1973, as the same was rewritten by Section 10.2 of Chapter 792 of the 1985 Session  
5 Laws and is contained therein, is rewritten to read:

6           "The President Pro Tempore of the Senate and the Speaker of the House of  
7 Representatives shall each appoint a cochairman from the Commission's membership."

8           Sec. 5.4. The continued Mental Health Study Commission shall have all the  
9 powers and duties of the original Study Commission as they are necessary to continue  
10 the original study, to assist in the implementation of the original and succeeding Study  
11 Commission recommendations and to plan further activity on the subject of the study.

12           Sec. 5.5. Members and staff of the continued Mental Health Study  
13 Commission shall receive compensation and expenses as under the original  
14 authorization in the 1973 General Assembly Resolution 80. Expenses of the  
15 Commission shall be expended by the Department of Human Resources from Budget  
16 Code 14460 subhead 1110.

17           Sec. 5.6. In addition to other studies authorized by law, the Mental Health  
18 Study Commission shall:

- 19           (1) Have oversight, and review and make recommendations regarding  
20 the implementation of the Comprehensive Long Range Plan for  
21 Adults with Severe and Persistent Mental Illness;
- 22           (2) Have oversight, and review and make recommendations regarding  
23 pioneer testing of funding policies;
- 24           (3) Continue the study of insurance coverage for mental illness and  
25 chemical dependency;
- 26           (4) Continue the study of mental health services in the criminal justice  
27 system, particularly in North Carolina jails; and
- 28           (5) Examine the needs of adult citizens suffering from substance abuse  
29 and develop a comprehensive plan to provide a continuum of care  
30 to respond to those needs.

31           Sec. 5.7. There is appropriated from the General Fund to the Department of  
32 Human Resources for the 1989-90 fiscal year the sum of twenty thousand dollars  
33 (\$20,000) for the use of the Commission in the study of insurance coverage for mental  
34 illness and chemical dependency.

35

#### 36 PART VI.—STATE PARKS STUDY COMMISSION

37           Sec. 6.1. There is created a Study Commission on State Parks and  
38 Recreation Areas to be composed of nine members, three Senators to be appointed by  
39 the President Pro Tempore of the Senate, three Representatives appointed by the  
40 Speaker of the House, and three public members to be appointed by the Governor.  
41 Appointments to the Study Commission shall be made within 30 days subsequent to the  
42 adjournment of the General Assembly in 1989. The President Pro Tempore of the  
43 Senate and the Speaker of the House shall each designate a cochairman from their  
44 appointees. Either cochairman may call the first meeting of the Study Commission.



1 The Joint Legislative Commission on Seafood and Aquaculture is hereby established  
2 as a permanent joint committee of the General Assembly. As used in this Article, the  
3 term 'Commission' means the Joint Legislative Commission on Seafood and  
4 Aquaculture.

5 **"§ 120-70.52. Membership; cochairmen; vacancies; quorum.**

6 The Joint Legislative Commission on Seafood and Aquaculture shall consist of  
7 eleven members: three Senators appointed by the President Pro Tempore of the Senate;  
8 three Representatives appointed by the Speaker of the House of Representatives; three  
9 members appointed by the Governor; and two members appointed by the Commissioner  
10 of Agriculture. The members shall serve at the pleasure of their appointing officer. The  
11 President Pro Tempore of the Senate shall designate one Senator to serve as cochairman  
12 and the Speaker of the House of Representatives shall designate one Representative to  
13 serve as cochairman. Vacancies occurring on the Commission shall be filled in the  
14 same manner as initial appointments. A quorum of the Commission shall consist of six  
15 members.

16 **"§ 120-70.53. Powers and duties.**

17 The Commission shall have the following powers and duties:

- 18 (1) To monitor and study the current seafood industry in North  
19 Carolina including studies of the feasibility of increasing the State's  
20 production, processing, and marketing of seafood;
- 21 (2) To study the potential for increasing the role of aquaculture in all  
22 regions of the State;
- 23 (3) To evaluate the feasibility of creating a central permitting office for  
24 fishing and aquaculture matters;
- 25 (4) To evaluate actions of the Marine Fisheries Division of the  
26 Department of Natural Resources and Community Development,  
27 the Wildlife Resources Commission of the Department of Natural  
28 Resources and Community Development, and of any other board,  
29 commission, department, or agency of the State or local  
30 government as such actions relate to the seafood and aquaculture  
31 industries;
- 32 (5) To make recommendations regarding regulatory matters relating to  
33 the seafood and aquaculture industries including, but not limited to:
  - 34 a. Increasing the State's representation and decision-making  
35 ability by dividing the State between the Atlantic and South  
36 Atlantic regions of the National Division of Marine Fisheries;  
37 and
  - 38 b. Evaluating the necessity to substantially increase penalties for  
39 trespass and theft of shellfish and other aquaculture products;
- 40 (6) To review and evaluate changes in federal law and regulations,  
41 relevant court decisions, and changes in technology affecting the  
42 seafood and aquaculture industries;



- 1 (7) To review existing and proposed State law and rules affecting the  
2 seafood and aquaculture industries and to determine whether any  
3 modification of law or rules is in the public interest;
- 4 (8) To make reports and recommendations, including draft legislation,  
5 to the General Assembly from time to time as to any matter relating  
6 to the powers and duties set out in this section; and
- 7 (9) To undertake such additional studies as it deems appropriate or as  
8 may from time to time be requested by the President of the Senate,  
9 the President Pro Tempore of the Senate, the Speaker of the House  
10 of Representatives, either house of the General Assembly, the  
11 Legislative Research Commission, or the Joint Legislative  
12 Commission on Governmental Operations, and to make such  
13 reports and recommendations to the General Assembly regarding  
14 such studies as it deems appropriate.

15 **"§ 120-70.54. Additional powers.**

16 The Commission, while in the discharge of official duties, may exercise all the  
17 powers of a joint committee of the General Assembly provided for under the provisions  
18 of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet  
19 at any time upon the call of either cochairman, whether or not the General Assembly is  
20 in session. The Commission may meet in the Legislative Building or the Legislative  
21 Office Building upon the approval of the Legislative Services Commission.

22 **"§ 120-70.55. Compensation and expenses of members.**

23 Members of the Commission shall receive per diem and travel allowances in  
24 accordance with G.S. 120-3.1 for members who are legislators, and shall receive  
25 compensation and per diem and travel allowances in accordance with G.S. 138-5 for  
26 members who are not legislators.

27 **"§ 120-70.56. Staffing.**

28 The Legislative Administrative Officer shall assign as staff to the Commission  
29 professional employees of the General Assembly, as approved by the Legislative  
30 Services Commission. Clerical staff shall be assigned to the Commission through the  
31 Offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House  
32 of Representatives. The expenses of employment of clerical staff shall be borne by the  
33 Commission.

34 **"§ 120-70.57. Funding.**

35 From funds available to the General Assembly, the Legislative Services Commission  
36 shall allocate monies to fund the Joint Legislative Commission on Seafood and  
37 Aquaculture."

38 Sec. 7.2. There is allocated from the funds appropriated to the Legislative  
39 Services Commission from the reserve for studies to the Joint Legislative Commission  
40 on Seafood and Aquaculture for its work the sum of \$10,000 for the 1989-1990 fiscal  
41 year and the sum of \$10,000 for the 1990-1991 fiscal year.

42  
43 **PART VIII.—SOCIAL SERVICES STUDY COMMISSION**

1           Sec. 8.1. There is established the Social Services Study Commission, an  
2 independent commission, to study public social services and public assistance in North  
3 Carolina and to recommend improvements that will assure that North Carolina has cost-  
4 effective, consistently administered public social services and public assistance  
5 programs.

6           Sec. 8.2. The Commission shall consist of 17 voting and four nonvoting  
7 members. The Speaker of the House of Representatives shall appoint seven voting  
8 members, five of whom shall be House members, one of whom shall be a county  
9 commissioner, and one of whom shall be a low-income recipient of social services or  
10 public assistance benefits. The President Pro Tempore of the Senate shall appoint seven  
11 voting members, five of whom shall be Senators, one of whom shall be a county social  
12 services director, and one of whom shall be an advocate for low-income people who is  
13 familiar with social services and public assistance programs. The Governor shall  
14 appoint three voting members, one of whom shall be the Secretary of Human Resources  
15 or a designee, one of whom shall be an officer or director of a private social services  
16 agency, and one of whom shall be a business representative who is involved in a local  
17 Private Industry Council. The Speaker of the House of Representatives and the  
18 President Pro Tempore of the Senate shall each appoint two nonvoting members who  
19 shall be involved in the administration or funding of social services and public  
20 assistance programs. Initial appointments shall be made within 30 days following  
21 adjournment of the 1989 Session of the General Assembly. Vacancies shall be filled by  
22 the official who made the initial appointment using the same criteria as provided by this  
23 section.

24           Sec. 8.3. The President Pro Tempore of the Senate and the Speaker of the  
25 House of Representatives shall each appoint a cochair of the Commission from their  
26 appointees. The cochairs shall call the first meeting and preside at alternate meetings.

27           Sec. 8.4. The Social Services Study Commission shall continue to examine  
28 the need for improvements in the State's social services system and develop legislation  
29 to address those needs. If legislation is enacted directing the Department of Human  
30 Resources to develop a Social Services Plan, the Commission may receive status reports  
31 on the development of the Plan; upon completion of the Plan, the Commission shall  
32 receive and review it. The Commission shall also monitor and review efforts within the  
33 Department of Human Resources to (i) plan for the efficient and timely implementation  
34 of federal welfare reform provisions, and (ii) simplify public assistance programs by  
35 reducing paperwork, developing a consolidated application process, or other means.

36           Sec. 8.5. The Commission members shall receive no salary for their services  
37 but shall receive subsistence and travel expenses in accordance with the provisions of  
38 G.S. 120-3.1, 138-5, and 138-6, as applicable.

39           Sec. 8.6. The Commission may solicit, employ, or contract for professional,  
40 technical, or clerical assistance, and may purchase or contract for the materials or  
41 services it needs. Subject to the approval of the Legislative Services Commission, the  
42 professional and clerical staff of the Legislative Services Office shall be available to the  
43 Commission, and the Commission may meet in the Legislative Building or the  
44 Legislative Office Building. With the consent of the Secretary of the Department of

1 Human Resources, staff employed by the Department or any of the divisions may be  
2 assigned permanently or temporarily to assist the Commission or its staff.

3 Sec. 8.7. Upon request of the Commission or its staff, all State departments  
4 and agencies and all local governmental agencies shall furnish the Commission or its  
5 staff with any information in their possession or available to them.

6 Sec. 8.8. The Commission shall submit a final written report of its findings  
7 and recommendations to the Governor, the Speaker of the House of Representatives,  
8 and the President of the Senate before or upon the convening of the 1991 Session of the  
9 General Assembly. The Commission shall terminate upon the filing of the report.

10 Sec. 8.9. There is allocated from the funds appropriated to the Legislative  
11 Services Commission from the reserve for studies to the Social Services Study  
12 Commission for its work the sum of \$25,000 for the 1989-1990 fiscal year and the sum  
13 of \$20,000 for the 1990-1991 fiscal year.

14  
15 PART IX.—LEGISLATIVE AND JUDICIAL SALARY STUDY COMMISSION

16 Sec. 9.1. The Legislative and Judicial Salary Study Commission is created.  
17 The Commission shall consist of 15 members appointed by the Governor. No member  
18 of the General Assembly or Justice or Judge of the General Court of Justice may serve  
19 on the Commission.

20 Sec. 9.2. The Governor shall designate one member of the Commission as  
21 chairman.

22 Sec. 9.3. The Commission shall study the salaries of the members of the  
23 General Assembly and Justices and Judges of the General Court of Justice.

24 Sec. 9.4. The Commission shall submit a report of its findings and  
25 recommendations to the General Assembly on or before the first day the 1989 Session  
26 of the General Assembly reconvenes in 1990 by filing the report with the President Pro  
27 Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its  
28 report, the Commission shall terminate.

29 Sec. 9.5. The Commission may meet at any time upon the call of the  
30 chairman. The Commission may meet, with the approval of the Legislative Services  
31 Commission, in the State Legislative Building or the Legislative Office Building.

32 Sec. 9.6. Members of the Commission shall receive per diem, subsistence  
33 and travel expenses as provided by law.

34 Sec. 9.7. The Commission may contract for professional, clerical, or  
35 consultant services. The Governor shall assign professional and clerical staff to assist in  
36 the work of the Commission.

37 Sec. 9.8. When a vacancy occurs in the membership of the Commission, the  
38 vacancy shall be filled by the Governor.

39 Sec. 9.9. All State departments and agencies and local governments and their  
40 subdivisions shall furnish the Commission with any information in their possession or  
41 available to them.

42 Sec. 9.10. There is appropriated from the General Fund to the Office of  
43 Governor for fiscal year 1989-90 the sum of twenty thousand dollars (\$20,000) for the  
44 expenses of the Commission.

1  
2 PART X.—LEGISLATIVE STUDY COMMISSION ON EDUCATIONAL EQUITY  
3 FOR PUBLIC SCHOOL STUDENTS AND ON THE FEASIBILITY OF  
4 ESTABLISHING AN EDUCATORS' HALL OF FAME.

5           Sec. 10.1. The Legislative Study Commission Educational Equity for Public  
6 School Students, and the feasibility of Establishing an Educators Hall of Fame is  
7 created. The Commission shall consist of 15 members, and particular emphasis shall be  
8 placed on selecting members who are sensitive to the issues concerning students at risk  
9 of academic underachievement. The composition of the Commission shall be as  
10 follows:

- 11           (1) Four members of the Senate appointed by the President Pro  
12           Tempore of the Senate;
- 13           (2) Four members of the House of Representatives appointed by the  
14           Speaker of the House of Representatives;
- 15           (3) A current or former superintendent of a local North Carolina school  
16           system, a current or former North Carolina public school principal,  
17           and a representative of the business sector, to be appointed by the  
18           President Pro Tempore of the Senate;
- 19           (4) A current or former school board member of a local North Carolina  
20           public school system, a current or former North Carolina public  
21           school classroom teacher, and a representative of the business  
22           sector, to be appointed by the Speaker of the House of  
23           Representatives; and
- 24           (5) The Superintendent of Public Instruction or his designee.

25           Sec. 10.2. The President Pro Tempore of the Senate shall designate one  
26 Senator as cochairman and the Speaker of the House of Representatives shall designate  
27 one Representative as cochairman. Vacancies occurring on the Commission shall be  
28 filled in the same manner as initial appointments. A quorum of the Commission shall  
29 consist of seven members.

30           Sec. 10.3. Members of the Commission shall receive per diem and travel  
31 allowances in accordance with G.S. 120-3.1 for members who are legislators, and G.S.  
32 138-5 for members who are not legislators.

33           Sec. 10.4. The Commission is charged with the following powers and duties:

- 34           (1) To study issues and matters identified in Senate Bill 751 – "State  
35           Educational Equity Grants"– of the 1989 Session;
- 36           (2) To study other methods of focusing on issues related to students at  
37           risk of academic and social failure so as to significantly increase  
38           the likelihood that all North Carolina students will graduate from  
39           high school with academic and social skills that will enable them:
  - 40           a. To be well-rounded productive citizens, and
  - 41           b. To be adequately prepared to handle the increasingly complex  
42           tasks that will enable them to successfully pursue and complete  
43           higher levels of academic and/or vocational education;

- 1 (3) To study the feasibility of establishing a State and/or local  
2 government "Earn to Learn" program, the purpose of which would  
3 be to encourage and facilitate the enrollment of high school  
4 graduates in post-secondary institutions in North Carolina. In  
5 conducting this study, the Commission is encouraged to consider  
6 inclusion of the following components in the program:
- 7 a. Employment of high school graduates in State and local  
8 agencies, or other agencies, in or reasonably accessible to their  
9 places of residence;
  - 10 b. Development of a formula by which earnings and/or work  
11 credits can be applied to the cost of attendance at a State  
12 operated post-secondary institution;
- 13 (4) To study the feasibility of establishing an educators hall of fame to  
14 honor North Carolina educators who have made significant  
15 contributions to the education of the citizens of this State;
- 16 (5) To receive and consider reports of other studies concerning the  
17 matters set out in subsections (1) through (4) of this section and  
18 concerning related matters.

19 Sec. 10.5. The Commission may submit an interim report to the General  
20 Assembly on or before the convening of its 1990 Session, and shall submit a final report  
21 of its findings and recommendations to the General Assembly on or before the first day  
22 of the 1991 Session of the General Assembly by the filing of a report with the President  
23 Pro Tempore of the Senate, the Speaker of the House of Representatives, and the  
24 chairmen of the Senate and House Appropriations committees and subcommittees.  
25 Upon filing its final report, the Commission shall terminate. The report of the  
26 Commission shall summarize the information obtained in the course of its inquiry, set  
27 forth any findings and conclusions, and recommend such administrative actions or  
28 legislative actions that may be necessary. If legislation is recommended, the  
29 Commission shall prepare and submit with its report, or reports, appropriate bills.

30 Sec. 10.6. Upon approval of the Legislative Services Commission, the  
31 Legislative Services Officer shall assign professional and clerical staff to assist in the  
32 work of the Commission. Clerical staff shall be furnished to the Commission through  
33 the Offices of the House and Senate Supervisors of Clerks. The expenses of  
34 employment of the clerical staff shall be borne by the Commission. The Commission  
35 may meet in the Legislative Building or the Legislative Office Building upon the  
36 approval of the Legislative Services Commission. The Commission, subject to the  
37 provisions of G.S. 120-32.02, enter into contracts for the provision of technical  
38 assistance it finds necessary for the performance of its responsibilities under this Part.

39 Sec. 10.7. There is allocated from the funds appropriated to the Legislative  
40 Services Commission from the reserve for studies the sum of \$25,000 for the 1989-1990  
41 fiscal year and the sum of \$25,000 for the 1990-1991 fiscal year to be used for the  
42 operation of the Commission created under this Part.

43

1 PART XI.—LEGISLATIVE STUDY COMMISSION ON PROPRIETARY  
2 SCHOOLS

3           Sec. 11.1. The Legislative Study Commission on Proprietary Schools is  
4 created. The Commission shall consist of 14 members: seven appointed by the  
5 President Pro Tempore of the Senate, at least four of whom are members of the Senate,  
6 and seven appointed by the Speaker of the House of Representatives, at least four of  
7 whom are members of the House of Representatives.

8           Sec. 11.2. The President Pro Tempore of the Senate shall designate one  
9 Senator as cochairman and the Speaker of the House of Representatives shall designate  
10 one Representative as cochairman.

11           Sec. 11.3. The Commission shall investigate, study, and make  
12 recommendations in connection with proprietary schools that offer, or purport to offer,  
13 associate degrees or diplomas. The scope of the study shall include the following:

- 14           (1) The extent to which the schools are capitalized;
- 15           (2) The extent of their operating reserves;
- 16           (3) Their assets and liabilities, and profit and loss information;
- 17           (4) Other matters related to their financial integrity;
- 18           (5) The adequacy of their facilities, equipment, and faculty and staff  
19 qualification;
- 20           (6) Their advertising, sales and promotional practices and activities;
- 21           (7) Any benefits, including the quality of education, received by  
22 students who enroll in the schools' programs;
- 23           (8) Benefits received by students who enroll in the schools compared  
24 to benefits that would be available through community college and  
25 university programs;
- 26           (9) The proportion of students enrolled in proprietary school programs  
27 who are eligible and academically prepared for admission to  
28 community college or university programs;
- 29           (10) Why students who were eligible and academically prepared for  
30 admission to community college or university programs chose to  
31 enroll in proprietary schools;
- 32           (11) How students who completed proprietary school programs assess  
33 the quality of education and preparation they received;
- 34           (12) Any regulatory and licensing changes that should be made;
- 35           (13) The appropriateness and integrity of governance structures and  
36 processes; and
- 37           (14) An examination of other states' methods of regulation and licensing  
38 of proprietary schools.

39           Sec. 11.4. The Commission shall submit an interim report of its findings and  
40 recommendations to the General Assembly on or before April 1, 1990, and a final report  
41 on or before February 1, 1991, by filing the reports with the President Pro Tempore of  
42 the Senate and the Speaker of the House of Representatives. Upon filing its final report,  
43 the Commission shall terminate.

1           Sec. 11.5. The Commission, while in the discharge of official duties, may  
2 exercise all the powers of a joint committee of the General Assembly provided for under  
3 the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The  
4 Commission may meet at any time upon the joint call of the cochairmen. With the  
5 approval of the Legislative Services Commission, the Legislative Study Commission on  
6 Proprietary Schools may meet in the Legislative Building or the Legislative Office  
7 Building.

8           Sec. 11.6. Members of the Commission who are legislators shall receive  
9 subsistence and travel expenses at the rates set forth in G.S. 120-3.1. Other members  
10 shall receive travel and subsistence expenses in accordance with G.S. 138-5.

11           Sec. 11.7. The Commission may contract for professional, clerical, or  
12 consultant services as provided by G.S. 120-32.02. The Legislative Services  
13 Commission, through the Legislative Administrative Officer, shall assign professional  
14 staff to assist in the work of the Commission. The House of Representatives' and the  
15 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the  
16 direction of the Legislative Services Commission. The expenses relating to clerical  
17 employees shall be borne by the Commission.

18           Sec. 11.8. When a vacancy occurs in the membership of the Commission the  
19 vacancy shall be filled by the same appointing officer who made the initial appointment.

20           Sec. 11.9. All State departments and agencies and local governments and  
21 their subdivisions shall furnish the Commission with any information in their possession  
22 or available to them.

23           Sec. 11.10. There is allocated from the funds appropriated to the Legislative  
24 Services Commission from the reserve for studies to the Legislative Study Commission  
25 on Proprietary Schools for its work the sum of \$25,000 for the 1989-1990 fiscal year  
26 and the sum of \$25,000 for the 1990-1991 fiscal year.

## 27 28 PART XII.—DEPOSITORY INSTITUTIONS STUDY COMMISSION

29           Sec. 12.1. The North Carolina Depository Institutions Study Commission is  
30 hereby created. The Commission shall consist of 18 members: five Senators appointed  
31 by the President Pro Tempore of the Senate; five Representatives appointed by the  
32 Speaker of the House; one representative of the North Carolina commercial banking  
33 industry appointed by the President Pro Tempore of the Senate; one representative of  
34 the North Carolina savings institution industry appointed by the Speaker of the House;  
35 one representative of the credit union industry appointed by the President Pro Tempore  
36 of the Senate; one representative of the small and minority business community  
37 appointed by the Speaker of the House; and one representative of the low-income  
38 consumer community appointed by the President Pro Tempore of the Senate. The North  
39 Carolina Commissioner of Banks, the Administrators of the Savings and Loan and  
40 Credit Union Divisions of the North Carolina Department of Commerce shall serve as  
41 ex officio nonvoting members. All replacement appointments shall be filled in the same  
42 manner as initial appointments.

43           Sec. 12.2. The President Pro Tempore of the Senate shall designate one  
44 Senator as cochairman and the Speaker of the House of Representatives shall designate

1 one Representative as cochairman. The cochairmen shall call the initial meeting of the  
2 Commission.

3           Sec. 12.3. The Commission shall study the impact of national developments  
4 within the depository institutions industry and what effect, if any, these developments  
5 will have upon North Carolina depository institutions. The scope of the study shall  
6 include, but not be limited to:

- 7           (1) The effect on North Carolina depository institutions, if any,  
8           resulting from action by the federal government to restructure the  
9           Federal Savings and Loan Insurance Corporation;
- 10          (2) The effect on North Carolina depository institutions, if any,  
11          resulting from any increased authority which may be granted to the  
12          Federal Deposit Insurance Corporation;
- 13          (3) The effect on the North Carolina public, if any, if savings  
14          institutions were permitted to convert into commercial banks and  
15          commercial banks allowed to convert into savings institutions;
- 16          (4) The level of competition between financial institutions in North  
17          Carolina;
- 18          (5) The cost and availability of financial services available through  
19          North Carolina financial institutions; and
- 20          (6) The desirability, if any, of consolidating North Carolina financial  
21          institution regulatory agencies into a single agency.

22           Sec. 12.4. The Commission may submit an interim report to the General  
23 Assembly on or before the convening of its 1990 Session, and shall submit a final report  
24 of its findings and recommendations to the General Assembly on or before the first day  
25 of the 1991 Session of the General Assembly by the filing of a report with the President  
26 Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon  
27 filing its final report, the Commission shall terminate. The report of the Commission  
28 shall summarize the information obtained in the course of its inquiry, set forth any  
29 findings and conclusions, and recommend such administrative actions or legislative  
30 actions that may be necessary. If legislation is recommended, the Commission shall  
31 prepare and submit with its report or reports appropriate bills.

32           Sec. 12.5. Upon approval of the Legislative Services Commission, the  
33 Legislative Services Officer shall assign professional and clerical staff to assist in the  
34 work of the Commission. Clerical staff shall be furnished to the Commission through  
35 the Offices of House and Senate Supervisors of Clerks. The expenses of employment of  
36 the clerical staff shall be borne by the Commission. The Commission may meet in the  
37 Legislative Building or the Legislative Office Building upon the approval of the  
38 Legislative Services Commission. The Commission may also, subject to the provisions  
39 of G.S. 120-32.02(b), enter into contracts for the provision of technical assistance it  
40 finds necessary for the performance of its responsibilities under this Part.

41           Sec. 12.6. Members of the Commission who are also members of the General  
42 Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-  
43 3.1. Members of the Commission who are officials or employees of the State shall



1 receive travel allowances at the rate set forth in G.S. 138-6. All other members of the  
2 Commission shall be paid the per diem and allowance at the rate set forth in G.S. 138-5.

3       Sec. 12.7. There is transferred from the funds appropriated to the Banking  
4 Commission for the 1989-1990 fiscal year to the Legislative Services Commission for  
5 the Depository Institutions Study Commission \$25,000 for fiscal year 1989-90. The  
6 Legislative Services Commission may allocate to the Commission additional funds  
7 necessary to enable the Commission to complete its study.

8

9 PART XIII.—ENERGY ASSURANCE STUDY COMMISSION

10       Sec. 13.1. (a) The North Carolina Energy Assurance Study Commission is  
11 created. The Commission shall consist of 19 members. The Chairman of the Utilities  
12 Commission, the Director of the Public Staff of the Utilities Commission, the Director  
13 of the N.C. Rural Electrification Authority, the Secretary of Human Resources, and the  
14 Director of the Energy Division of the Department of Commerce shall serve ex officio.  
15 The President Pro Tempore of the Senate shall appoint seven members as follows: two  
16 members of the Senate, one representative from the electric utility industry regulated by  
17 the Utilities Commission, one representative from an electric membership corporation  
18 in North Carolina, one representative of the unregulated fuels industry, one  
19 representative of a private agency that delivers energy assistance benefits to low-income  
20 people, and one low-income utilities consumer advocate. The Speaker of the House of  
21 Representatives shall appoint seven members as follows: two members of the House of  
22 Representatives, one representative from ElectriCities of North Carolina, one director of  
23 a county department of social services, one representative of the natural gas industry  
24 regulated by the Utilities Commission, one representative of the Community Action  
25 Program agencies, and one low-income person.

26       (b) The members of the Commission shall be appointed by September 1, 1989,  
27 and shall serve until termination of the Commission. If a vacancy occurs in the  
28 membership of the Commission, it shall be filled by the officer who appointed the  
29 member who is to be replaced. The President Pro Tempore of the Senate and the  
30 Speaker of the House of Representatives shall each appoint a cochair from among the  
31 membership of the Commission, but no ex officio member of the Commission may  
32 serve as a cochair.

33       Sec. 13.2. Duties of the Commission. (a) The Commission shall investigate the  
34 feasibility of establishing an Energy Assurance Plan in North Carolina to accomplish  
35 the following objectives:

- 36           (1) Aid low-income people in maintaining reasonable and safe levels  
37               of heat in their homes;
- 38           (2) Reduce the number of involuntary terminations of energy to low-  
39               income households in the State; and
- 40           (3) Direct federal, State, local, and private efforts in weatherizing  
41               homes to those which have the most significant needs.

42       (b) In investigating the feasibility of such a plan, the Commission shall:

- 43           (1) Document, to the extent possible, the scope of current problems  
44               facing low-income people in dealing with their energy burdens;

- 1           (2)     Determine, through a study of the administration of the Low  
2           Income Energy Assistance Program funds in North Carolina, a  
3           method by which these funds could be better targeted to address the  
4           energy needs of low-income people;
- 5           (3)     Determine the cost of establishing an Energy Assurance Plan in  
6           North Carolina;
- 7           (4)     Investigate sources of revenue to fund an Energy Assurance Plan;  
8           and
- 9           (5)     Recommend an Energy Assurance Plan that will accomplish the  
10          stated objectives through the use of existing federal, State, local,  
11          and private funds or alternative sources of revenue.

12       (c)     The Commission may obtain information and data from all State officers,  
13       agents, agencies, and departments while in the discharge of its duties pursuant to the  
14       provisions of G.S. 120-19 as if it were a committee of the General Assembly. The  
15       Commission may also call witnesses, compel testimony relevant to any matter properly  
16       before the Commission, and subpoena records and documents, provided that any client  
17       record shall have client identifying information removed. The provisions of G.S. 120-  
18       19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it  
19       were a joint committee of the General Assembly. In addition to the other signatures  
20       required for the issuance of a subpoena under this section, the subpoena shall also be  
21       signed by a cochair of the Commission. Any cost of providing information to the  
22       Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission from  
23       funds appropriated for the Commission's use.

24           Sec. 13.3. The initial meeting of the Commission shall be called by the  
25       cochairs. Subsequent meetings shall be held upon the call of a cochair or upon the  
26       written request of five members.

27           Sec. 13.4. The Commission may file an interim report on or before June 1,  
28       1990, and shall file its final report by February 1, 1991, with the President Pro Tempore  
29       of the Senate and the Speaker of the House of Representatives. The report shall  
30       summarize the information obtained in the course of the Commission's inquiry, set forth  
31       its findings and conclusions, and recommend administrative actions or legislative  
32       actions that may be necessary to implement the Energy Assurance Plan. If legislation is  
33       recommended, the Commission shall prepare and submit with its report appropriate  
34       bills. Upon termination of the Commission, the cochairs shall transmit to the  
35       Legislative Library for preservation the records and papers of the Commission. The  
36       Commission shall terminate upon the filing of its report.

37           Sec. 13.5. Upon approval of the Legislative Services Commission, the  
38       Legislative Services Officer shall assign professional and clerical staff to assist in the  
39       work of the Commission. Clerical staff shall be furnished to the Commission through  
40       the Offices of House and Senate Supervisors of Clerks. The expenses of employment of  
41       the clerical staff shall be borne by the Commission. The Commission may meet in the  
42       Legislative Building or the Legislative Office Building upon the approval of the  
43       Legislative Services Commission. The Energy Assurance Commission, subject to the  
44       provisions of G.S. 120-32.02(b), may enter into contracts for the provision of technical

1 assistance, statistical analysis, evaluation of pilot projects, and other services it finds  
2 necessary for the performance of its responsibilities under this Part.

3         Sec. 13.6. Members of the Commission who are also members of the General  
4 Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-  
5 3.1. Members of the Commission who are officials or employees of the State shall  
6 receive travel allowances at the rate set forth in G.S. 138-6. All other members of the  
7 Commission shall be paid the per diem and allowances set forth in G.S. 138-5.

8         Sec. 13.7. There is transferred from the funds appropriated to the Legislative  
9 Services Commission from the reserve for studies to the Commission created by this  
10 Part the sum of \$10,000 for the 1989-1990 fiscal year to prepare and submit a plan of  
11 study to obtain the requisite federal approval for the spending of monies specifically  
12 appropriated for the work of the Energy Assurance Study Commission. Funds  
13 specifically appropriated to the Department of Commerce to be allocated to the Energy  
14 Assurance Study Commission are hereby transferred to the General Assembly for the  
15 work of the Commission. Notwithstanding any other provision of law and except for  
16 the specific transfer from the reserve for studies contained in this section, only funds  
17 specifically appropriated to the Department of Commerce for the Energy Assurance  
18 Study Commission may be expended for the work of the Commission. Unexpended  
19 funds shall revert to the Special Reserve for Oil Overcharge Funds.

#### 20 PART XIV.—HOMELESS PERSONS STUDY COMMISSION

21         Sec. 14.1. There is created the Homeless Persons Study Commission, an  
22 independent commission, to study the situation of homeless persons in North Carolina  
23 and to make recommendations on what the State and non-State entities can do to meet  
24 the needs and reduce the number of persons who are homeless. The Commission shall  
25 consist of 12 members: three Senators appointed by the President Pro Tempore of the  
26 Senate, three Representatives appointed by the Speaker of the House of Representatives,  
27 and six members appointed by the Governor. The Governor's appointees shall be  
28 persons with a particular sensibility to the needs of homeless people: one shall be a  
29 health care professional licensed by the State, one shall represent the administrative  
30 staff or board of directors of a homeless shelter in the State, one shall be a professional  
31 educator employed in a public school or post-secondary institution in the State, one  
32 shall be an elected representative of local government, one shall represent a low-income  
33 housing advocacy organization, and one shall be a former homeless shelter client, if  
34 such an appointment is possible under the circumstances. Initial appointments shall be  
35 made within 30 days following the adjournment of the 1989 Session of the General  
36 Assembly.

37         Sec. 14.2. The President Pro Tempore of the Senate shall designate one  
38 Senator as cochairman and the Speaker of the House of Representatives shall designate  
39 one Representative as cochairman.

40         Sec. 14.3. The Commission shall obtain, study, and make recommendations  
41 based on such information as:

- 42             (1) The sociological characteristics of the State's homeless population,  
43                 such as age, race, and sex, and economic, health, occupational, and  
44                 family status;

- 1           (2)     The estimated number of homeless persons in the State,  
2                   identification of the areas of the State in which there are the  
3                   greatest and least concentrations of homeless persons, and possible  
4                   reasons for such concentrations;
- 5           (3)     The relationship between homelessness and such factors as hunger,  
6                   literacy, education, job training, income, mental and physical  
7                   health, alcoholism and substance abuse, municipal zoning and  
8                   economic development, crime, and the delivery or nondelivery of  
9                   public services;
- 10          (4)     Services to homeless persons currently provided by State, non-  
11                   State, and local agencies, institutions, and other nonprofit  
12                   organizations, and whether and how such entities cooperate with  
13                   one another in providing the services;
- 14          (5)     Services for the homeless that are not currently provided and which  
15                   are critical to meeting the needs of homeless persons, and  
16                   recommendations on how State and non-State entities could  
17                   cooperate to provide such services;
- 18          (6)     Whether services being provided or planned include or should  
19                   include the following:
  - 20               a.     Referrals of homeless persons to other human services offered  
21                       by State and non-State entities;
  - 22               b.     Case management efforts which help keep track of homeless  
23                       persons and their needs;
  - 24               c.     Job training and referral;
  - 25               d.     Efforts to ensure that the children of homeless families are  
26                       enrolled in and regularly attend public schools; and
  - 27               e.     Availability of affordable housing; and
- 28          (7)     The overall impact of homelessness on the State, its municipalities,  
29                   and its citizens.

30           Sec. 14.4. The Commission shall submit a final report of its findings and  
31           recommendations to the General Assembly on or before the first day of the 1991  
32           Session of the General Assembly by filing the report with the President Pro Tempore of  
33           the Senate and the Speaker of the House of Representatives. Upon filing its final report,  
34           the Commission shall terminate.

35           Sec. 14.5. The Commission, while in the discharge of official duties, may  
36           exercise all the powers of a joint committee of the General Assembly provided for under  
37           the provisions of 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 the joint call of the cochairmen. The  
39           Commission may meet in the Legislative Building or the Legislative Office Building,  
40           with the approval of the Legislative Services Commission.

41           Sec. 14.6. Members of the Commission shall receive subsistence and travel  
42           expenses at the rates set forth in G.S. 120-3.1, G.S. 138-5, and G.S. 138-6, as  
43           applicable.

1           Sec. 14.7. The Commission may contract for professional, clerical, or  
2 consultant services as provided by G.S. 120-32.02. The Legislative Services  
3 Commission, through the Legislative Administrative Officer, shall assign professional  
4 staff to assist in the work of the Commission. The House of Representatives' and the  
5 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the  
6 direction of the Legislative Services Commission. The expenses relating to clerical  
7 employees shall be borne by the Commission.

8           Sec. 14.8. When a vacancy occurs in the membership of the Commission the  
9 vacancy shall be filled by the same appointing officer who made the initial appointment.

10          Sec. 14.9. All State departments and agencies and local governments and  
11 their subdivisions shall furnish the Commission with any information in their possession  
12 or available to them.

13          Sec. 14.10. There is allocated from the funds appropriated to the Legislative  
14 Services Commission from the reserve for studies to the Homeless Persons Study  
15 Commission for its work the sum of \$25,000 for the 1989-1990 fiscal year and the sum  
16 of \$25,000 for the 1990-1991 fiscal year.

17  
18 PART XV.—MEDICAL MALPRACTICE CLAIMS ARBITRATION STUDY  
19 COMMISSION

20          Sec. 15.1. The Medical Malpractice Arbitration Study Commission is hereby  
21 created. The Commission shall consist of 13 members who shall be appointed as  
22 follows:

23           (1) Five members appointed by the Speaker of the House of  
24 Representatives as follows:

25           a. Three persons who are members of the House of  
26 Representatives at the time of their appointment, one of whom  
27 shall be a licensed attorney regularly representing plaintiffs or a  
28 member of a firm that regularly represents plaintiffs, and one of  
29 whom shall be a licensed attorney regularly representing  
30 defendants or a member of a firm that regularly represents  
31 defendants;

32           b. One physician licensed to practice medicine in North Carolina;  
33 and

34           c. One at-large member representing the general public;

35           (2) Five members appointed by the President Pro Tempore of the  
36 Senate as follows:

37           a. Three persons who are members of the Senate at the time of  
38 their appointment, one of whom shall be a licensed attorney  
39 regularly representing plaintiffs or a member of a firm which  
40 regularly represents plaintiffs, and one of whom shall be a  
41 licensed attorney regularly representing defendants or a member  
42 of a firm which regularly represents defendants;

43           b. One physician licensed to practice medicine in North Carolina;  
44 and

- 1                   c.     One at-large member representing the general public;  
2                   (3)     The Chief Justice of North Carolina or his designee;  
3                   (4)     The Chief Judge of the North Carolina Court of Appeals or his  
4                   designee; and  
5                   (5)     The President of the North Carolina Bar Association or his  
6                   designee.

7                   If a vacancy occurs in the membership, the appointing authority shall appoint  
8 another person to serve the balance of the unexpired term in the same manner in which  
9 the original appointment was made.

10                  Sec. 15.2. The President Pro Tempore of the Senate shall designate one  
11 Senator as cochairman, and the Speaker of the House of Representatives shall designate  
12 one member of the House of Representatives as cochairman.

13                  Sec. 15.3. The Commission shall study the use of court-annexed arbitration  
14 in medical malpractice actions, as described in G.S. 90-21.12, and as a part of its study,  
15 the Commission may also consider studies by the American Medical Association, the  
16 North Carolina Bar Association Dispute Resolution Committee, and the Duke  
17 University Private Adjudication Center, regarding alternate forms of dispute resolution  
18 in mediation, conciliation, and other forms of alternate dispute resolution, which might  
19 lead to a more expeditious and more economical determination of issues arising in a  
20 medical malpractice action than the present system of discovery and jury trial, which  
21 has been found to be very time consuming and expensive. The Commission is  
22 specifically empowered to study arbitration and other alternate dispute resolution forms  
23 which have been implemented or are being considered for implementation in other  
24 states of the United States.

25                  Sec. 15.4. The Commission shall submit a final report of its findings and  
26 recommendations to the General Assembly on or before the first day of the 1991  
27 Session of the General Assembly by filing the report with the President Pro Tempore of  
28 the Senate and the Speaker of the House of Representatives. The Commission may, but  
29 is not required to, file its report on or before the first day of the 1990 Budget Session of  
30 the 1989 General Assembly, if it can complete its work and adopt a report requiring  
31 filing on or before such date. Upon filing its final report, the Commission shall  
32 terminate.

33                  Sec. 15.5. The Commission, while in the discharge of official duties, may  
34 exercise all the powers of a joint committee of the General Assembly provided for under  
35 the provisions of 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 the joint call of the cochairmen. The  
37 Commission, with the approval of the Legislative Services Commission, may meet in  
38 the Legislative Building or the Legislative Office Building.

39                  Sec. 15.6. The Commission may contract for professional, clerical, or  
40 consultant services as provided by G.S. 120-32.02. The Legislative Services  
41 Commission, through the Legislative Administrative Officer, may assign professional  
42 staff to assist in the work of the Commission. The House of Representatives' and the  
43 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the

1 direction of the Legislative Services Commission. The expenses relating to clerical  
2 employees shall be borne by the Commission.

3 Sec. 15.7. All State departments and agencies shall furnish the Commission  
4 with any information in their possession or available to them.

5 Sec. 15.8. The Commission shall have all powers necessary or convenient to  
6 carry out the purposes and provisions of this act, including, but not limited to, the power  
7 to receive and accept grants or funds from any public or private agency for, or in the aid  
8 of, the purposes of this section, and to receive or accept contributions, from any source,  
9 of money, or labor, to be held, used, and applied for the purposes of this act. Any grants  
10 or contributions received shall be held by the Legislative Services Commission and  
11 these monies received shall be used prior to the use of any available State funds. If  
12 grants or contributions are received thereafter, they shall be retained by the Legislative  
13 Services Commission in amount equal to State funds already expended.

14 Sec. 15.9. There is allocated from the funds appropriated to the Legislative  
15 Services Commission from the reserve for studies to the Commission created by this  
16 Part for its work the sum of \$25,000 for the 1989-1990 fiscal year and the sum of  
17 \$25,000 for the 1990-1991 fiscal year.

18  
19 PART XV.A.—LEGISLATIVE STUDY COMMISSION ON WETLANDS  
20 PROTECTION

21 Sec. 15a.1. The General Assembly recognizes that North Carolina's wetlands  
22 are a valuable and productive resource. Wetlands serve a number of functions which  
23 are vital to the public health, safety, and welfare. Wetlands (i) protect the drinking  
24 water supply by providing a natural filter for both surface water and groundwater  
25 resources; (ii) trap nutrients, sediments, and other pollutants capable of polluting  
26 downstream waters; (iii) reduce flood and storm damage, thereby preventing a loss of  
27 life and property; (iv) provide shoreline stabilization; (v) provide essential breeding,  
28 spawning, nesting and wintering habitat for fish and wildlife, including many species  
29 that are of commercial or recreational value; (vi) supplement surface water supplies  
30 during drought by gradually releasing stored floodwaters and groundwater; and (vii)  
31 serve as a source of timber production which is of great economic value to the State.

32 The General Assembly recognizes that there is an immediate need to study  
33 wetlands protection and to develop a legislative program for the management of  
34 activities in wetlands. The goals of the wetlands protection program shall be to preserve  
35 wetlands of significant ecological value; to protect and manage wetlands so as to  
36 prevent any net loss of their ecological functions; and to preserve private property rights  
37 and to simplify and consolidate wetlands regulations. The long-term goal of the  
38 program shall be to increase the number and enhance the quality of wetlands in the  
39 State.

40 Sec. 15a.2. There is created a Legislative Study Commission on Wetlands  
41 Protection. The Commission shall study the desirability and feasibility of State  
42 assumption and adaptation of the federal permitting program under Section 404 of the  
43 Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of  
44 1977 (33 USC § 1344). The Commission may appoint a subcommittee of its members

1 for purposes of this study. The Commission or subcommittee shall receive and acquire  
2 such information, including testimony, as is necessary to determine whether such  
3 assumption should be sought and, if so, what procedure should be followed to  
4 accomplish such assumption. Additionally, the Commission shall study the necessary  
5 elements of a statewide wetlands protection program and shall develop  
6 recommendations for legislation to establish a wetlands protection program that will be  
7 adequate to preserve wetlands of significant ecological value from unnecessary  
8 alteration; to protect and manage wetlands so as to prevent any net loss of the ecological  
9 function of wetlands; and to develop a program of economic incentives to encourage  
10 wetlands conservation. In developing its recommendations, the Commission shall  
11 study: (i) classification and regulation of wetlands based on their relative resource  
12 values, value to the ecosystems and value for economic development; (ii) exemptions  
13 for agriculture, forestry, and mining activities; (iii) mitigation of wetlands losses and  
14 creation of a mitigation bank to accept donations of property and payments in lieu of  
15 actual mitigation; (iv) positive and negative impacts on wetlands of activities including,  
16 but not limited to, drainage, excavation, filling, development, and wildlife habitat  
17 improvements; and (v) definition and identification of different types of wetlands. In  
18 developing recommendations the Commission, and subcommittee if created, shall  
19 obtain and receive public comment on existing and desired wetlands regulation and  
20 incentives and protection policies.

21         Sec. 15a.3. The Legislative Study Commission on Wetlands Protection shall  
22 consist of 15 members. The President Pro Tempore of the Senate shall appoint five  
23 members: three Senators, one land owner, and one commercial fisherman. The Speaker  
24 of the House shall appoint five members: three Representatives, one member associated  
25 with the homebuilding industry, and one representative of wildlife resources interests.  
26 The Governor shall appoint five members: one representative of the mining industry,  
27 one representative of agriculture, one representative of an environmental organization,  
28 one representative of forestry, and one representative of the Department of Natural  
29 Resources and Community Development. The President Pro Tempore of the Senate and  
30 the Speaker of the House shall each designate a cochairman from the membership of the  
31 Commission. Appointments shall be made no later than August 1, 1989, and members  
32 shall serve until the termination of the Commission.

33         Sec. 15a.4. At the request of the Commission, the Legislative Services  
34 Commission may assign professional and clerical staff to assist in the work of the  
35 Commission. The Commission may also employ any professional and clerical staff it  
36 deems necessary to the performance of its duties. With approval of the Legislative  
37 Services Commission, the Commission may meet in the State Legislative Building or  
38 Legislative Office Building.

39         Sec. 15a.5. Members of the Commission who are members of the General  
40 Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1.  
41 Members who are State officers or employees shall receive subsistence and travel  
42 allowances as provided by G.S. 138-6. All other members shall receive per diem,  
43 subsistence, and travel allowances as provided by G.S. 138-5.



1           Sec. 15a.6. The Commission may file a report with the 1989 General  
2 Assembly, 1990 Regular Session. Otherwise, the Commission shall file a report with  
3 the General Assembly not later than March 1, 1991. The Commission shall terminate  
4 upon the filing of its report.

5           Sec. 15a.7. Of the funds appropriated to the General Assembly for the  
6 Legislative Research Commission, the sum of \$15,000 for the 1989-90 fiscal year and  
7 the sum of \$15,000 for the 1990-91 fiscal year shall be used for the Commission created  
8 by this part.

9  
10 PART XVI.—PERSONNEL SYSTEM STUDY

11           Sec. 16.1. The Office of State Personnel shall review previous recent studies  
12 of the State Personnel System from all sources and shall report in writing on or before  
13 April 1, 1990 to the Joint Legislative Commission on Governmental Operations with its  
14 recommendations regarding needed modifications to the State Personnel System. The  
15 Office of State Personnel shall conduct this study within the funds already appropriated  
16 to it.

17  
18 PART XVII.—HEALTH CARE LICENSING STUDY

19           Sec. 17.1. The North Carolina Study Commission on Aging established by  
20 Article 21 of Chapter 120 of the General Statutes may study the need for regulation of  
21 agencies not licensed under State statute or certified for Medicare that provide nursing  
22 and nurse's aide services to persons at home. The North Carolina Study Commission on  
23 Aging may report its findings, including any legislative recommendations, to the 1991  
24 General Assembly. The North Carolina Study Commission on Aging shall conduct this  
25 study within the funds already appropriated to it.

26  
27 PART XVIII.—MEDICAID RESOURCES LIMIT STUDY

28           Sec. 18.1. The Department of Human Resources shall study the provisions  
29 of the Catastrophic Health Care Act of 1987, in order to determine whether the federal  
30 provision that permits states to apply "less restrictive methodologies" to the resource test  
31 portion of the eligibility determination process will allow alternatives to current  
32 resource test policies that will simplify the determination process and treat applicants  
33 more equitably.

34           The Department shall make a written report, including any recommendations  
35 regarding alternative resource test policies, to the Joint Legislative Commission on  
36 Governmental Operations by April 1, 1990. The Department of Human Resources shall  
37 conduct this study within the funds already appropriated to it.

38  
39 PART XIX.—INMATE WORK EFFICIENCY STUDY

40           Sec. 19.1. The Department of Correction shall study the laws governing  
41 prisoner labor, including, but not limited to, the daily wage provisions, and determine  
42 whether these laws should be amended in order to improve the work efficiency of prison  
43 inmates and increase the participation by prison inmates in work projects, particularly in  
44 road maintenance work projects.

1 The Department of Correction shall report its findings to the Joint Legislative  
2 Commission on Governmental Operations by April 1, 1990. The Department of  
3 Correction shall conduct this study within the funds already appropriated to it.

4  
5 PART XX.—SUBSTANCE ABUSE TREATMENT IN PRISONS STUDY

6 Sec. 20.1. The Special Committee on Prisons as continued by Resolution 8,  
7 Session Laws of 1989, shall study:

- 8 (1) The extent to which appropriate treatment and counseling programs  
9 exist within our prison system;
- 10 (2) The extent to which appropriate treatment programs and facilities  
11 exist outside the prison system (residential and nonresidential, for  
12 adults and adolescents);
- 13 (3) How much in additional fiscal resources would be necessary in  
14 order to have adequate programs and facilities inside and outside  
15 the State prison system;
- 16 (4) The impact – fiscal and otherwise – of requiring a person convicted  
17 of a criminal offense (felony or misdemeanor) to be evaluated to  
18 determine whether he or she is a drug abuser, if:
  - 19 a. The offense is one in which drugs were involved; or
  - 20 b. Information is presented, during investigation, prosecution or  
21 sentencing that would suggest the defendant is a drug abuser;
- 22 (5) The impact, fiscal and otherwise, of requiring a person convicted as  
23 described in subdivision (4) of this section – if he or she receives  
24 an active sentence in our State system, or is placed on probation  
25 under the jurisdiction of the State system, and if it is determined  
26 through the evaluation that he is a drug abuser – to be subject to the  
27 following conditions:
  - 28 a. While incarcerated (and continuing for a period of time  
29 following release, if appropriate), he or she must receive  
30 appropriate treatment and counseling; or
  - 31 b. If there is no active sentence, he or she shall be required to  
32 receive appropriate treatment and counseling as a condition of  
33 probation;
- 34 (6) Whether conditions set out in subdivision (5) of this section would  
35 significantly increase the likelihood that the person will become  
36 and remain free of drug abuse; and
- 37 (7) Other related factors and matters.

38 Sec. 20.2. There is allocated from the funds appropriated to the Legislative  
39 Services Commission from the reserve for studies to the Special Committee on Prisons  
40 for its work the sum of \$10,000 for the 1989-1990 fiscal year and the sum of \$10,000  
41 for the 1990-1991 fiscal year.

42  
43 PART XXII.—STATE EMPLOYEE MOVING EXPENSE STUDY

1           Sec. 22.1. The Office of State Budget shall study expanding the current  
2 policy on reimbursing State employees for direct and indirect moving expenses and any  
3 related issues. The Office of State Budget shall consider the policies on reimbursing  
4 employees for moving expenses in other states and in the private sector.

5           The Office of State Budget shall make a written report of its findings and  
6 recommendations on this matter to the Joint Legislative Commission on Governmental  
7 Operations not later than April 1, 1990. The Office of State Budget shall conduct this  
8 study within the funds already appropriated to it.

9  
10 PART XXIII.—ELIZABETH II CULTURAL ACTIVITIES FACILITY

11           Sec. 23.1. There is appropriated from the General Fund to the Department of  
12 Cultural Resources, Division of Archives and History, the sum of \$20,000 for the 1990-  
13 1991 fiscal year for a planning and feasibility study for a cultural activities facility on  
14 the Elizabeth II State Historic Site as part of the State Historic Site. The Department of  
15 Cultural Resources shall report its findings to the Joint Legislative Commission on  
16 Governmental Operations by April 1, 1991.

17  
18 PART XXIV.—EFFECTIVE DATE

19           Sec. 24.1. This act is effective on July 1, 1989.