

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 296*
Committee Substitute Favorable 7/27/90

Short Title: 1990 Studies.

(Public)

Sponsors:

Referred to:

February 20, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND
COMMISSIONS, AND TO ALLOCATE FUNDS THEREFOR.

The General Assembly of North Carolina enacts:

PART I.—TITLE

Section 1. This act shall be known as "The Studies Act of 1990."

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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1 PART II.—LEGISLATIVE RESEARCH COMMISSION

2
3 Sec. 2.1. The Legislative Research Commission may study the topics listed
4 below. Listed with each topic is the 1989 or 1990 bill or resolution that originally
5 proposed the issue or study and the name of the sponsor. The Commission may
6 consider the original bill or resolution in determining the nature, scope, and aspects of
7 the study. The topics are:

8 (1) Small System and Individual Water and Wastewater Needs (H.B. 2373
9 - Hardaway),

10 (2) Health Insurance Pool (H.B. 985 - Hunt, Judy), and

11 (3) Veterans Home (H.B. 2139 - Hurley).

12 Sec. 2.2. Prescription Drug Assistance (H.B. 2149 - Green). The Legislative
13 Research Commission may study the issue of creating a prescription drug assistance
14 program, including the following:

15 (1) Medication needs of low-income persons;

16 (2) State/local/private cooperative efforts to provide prescription drugs at
17 reduced cost or no cost to low-income persons;

18 (3) Eligibility for the program; and

19 (4) Financing and costs of the program.

20 Sec. 2.3. Public Transportation Financing Study - continued (H.B. 2301 -
21 Blue). Section 7 of Chapter 740 of the 1989 Session Laws reads as rewritten:

22 "Sec. 7. The Legislative Research Commission shall make a comprehensive study
23 of financing of public transportation in North Carolina, and contracting with the private
24 sector for public transportation services, and report its interim recommendations to the
25 1989 Regular Session, (1990 Regular Session) and its final recommendations to the
26 1991 Regular Session of the General Assembly."

27 Sec. 2.4. Mail Order Sales Taxes Study (H.B. 2334 - Pope). The Legislative
28 Research Commission may authorize its Revenue Laws Study Committee, created
29 pursuant to Section 2.1 of Chapter 802 of the 1989 Session Laws, or such other
30 committee as it deems appropriate, to study the issue of the constitutionality of mail
31 order sales taxes.

32 Sec. 2.5. Budget Restructuring and Legislative Session Study (S.B. 1388 -
33 Goldston; H.B. 2293 - Pope). The Legislative Research Commission may study the
34 following:

35 (1) Whether in preparing and enacting the budget for a fiscal year, the
36 Governor and General Assembly shall use as the State funds revenue
37 estimate for the General, Highway, and Wildlife Funds no more than
38 the total State funds received for the calendar year ending December
39 31 immediately prior to the fiscal year.

40 (2) Whether if the budget estimates any reversions at the end of the fiscal
41 year covered by the budget, those reversions may be proposed only for
42 capital projects, or other projects with a fiscal impact only in that fiscal
43 year.

1 (3) Whether the State should go to an annual rather than a biennial budget
2 and limit future session lengths by statute.

3 (4) If the Committee makes favorable recommendations concerning the
4 above provisions, any necessary technical provisions, as well as a
5 proposed transition period to enable a smoother change in budget
6 process.

7 Sec. 2.6. Committee Membership. For each Legislative Research
8 Commission Committee created during the 1989-1991 biennium, the Cochairmen of the
9 Commission each shall appoint a minimum of seven members.

10 Sec. 2.7. Reporting Dates. For each of the topics the Legislative Research
11 Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the
12 Commission may report its findings, together with any recommended legislation, to the
13 1991 General Assembly.

14 Sec. 2.8. Bills and Resolution References. The listing of the original bill or
15 resolution in this Part is for reference purposes only and shall not be deemed to have
16 incorporated by reference any of the substantive provisions contained in the original bill
17 or resolution.

18 Sec. 2.9. Funding. From the funds available to the General Assembly, the
19 Legislative Services Commission may allocate additional monies to fund the work of
20 the Legislative Research Commission.

21
22 PART III.—ENERGY ASSURANCE STUDY COMMISSION (S.B. 1558 - Rauch)

23
24 Sec. 3.1. Notwithstanding the provisions of Section 6.7 of Chapter 802 of the
25 1989 Session Laws, there is allocated from funds appropriated to the General Assembly
26 the sum of \$10,000 for the 1990-91 fiscal year to fund the North Carolina Energy
27 Assurance Study Commission created in Part VI of Chapter 802 of the 1989 Session
28 Laws.

29 Sec. 3.2. Notwithstanding the provisions of Section 6.7 of Chapter 802 of the
30 1989 Session Laws, funds allocated to the North Carolina Energy Assurance Study
31 Commission for the 1989-90 fiscal year that have not been expended at the end of that
32 fiscal year shall not revert but shall remain available to the Study Commission for its
33 expenses during the 1990-91 fiscal year.

34 Sec. 3.3. Section 6.4 of Chapter 802 of the 1989 Session Laws reads as
35 rewritten:

36 "Sec. 6.4. The Commission may file an interim report on or before June 1, 1990,
37 and shall file its final report ~~by February 1, 1991, prior to adjournment of the 1991~~
38 Session of the 1991 General Assembly, with the President Pro Tempore of the Senate
39 and the Speaker of the House of Representatives. The report shall summarize the
40 information obtained in the course of the Commission's inquiry, set forth its findings
41 and conclusions, and recommend administrative actions or legislative actions that may
42 be necessary to implement the Energy Assurance Plan. If legislation is recommended,
43 the Commission shall prepare and submit with its report appropriate bills. Upon
44 termination of the Commission, the cochairs shall transmit to the Legislative Library for

1 preservation the records and papers of the Commission. The Commission shall
2 terminate upon the filing of its report."

3
4 PART IV.—COSMETIC ARTS REGULATION

5
6 Sec. 4.1. In addition to the study authorized pursuant to Part XXIII of
7 Chapter 802 of the 1989 Session Laws, the Legislative Committee on New Licensing
8 Boards may meet during the interim to study the following issues related to the State
9 Board of Cosmetic Art Examiners and the regulation of the practice of cosmetic art and
10 manicuring:

- 11 (1) The requirements for graduation with respect to eligibility to take the
12 examination for licensure as a cosmetologist or apprentice
13 cosmetologist;
- 14 (2) Continuing education requirements for cosmetologists;
- 15 (3) Board rules governing cosmetology school size, curricula, lab
16 equipment, and related regulations affecting such schools; and
- 17 (4) Feasibility of teaching cosmetic arts and/or manicuring in high
18 schools.

19 Sec. 4.2. The Legislative Committee on New Licensing Boards shall file its
20 report with the General Assembly by submitting copies on or prior to the date of
21 convening of the 1991 General Assembly with the President Pro Tempore of the Senate
22 and the Speaker of the House of Representatives.

23
24 PART V.—BIRTH-RELATED NEUROLOGICAL IMPAIRMENT STUDY
25 COMMISSION (H.B. 2296 - Miller)

26
27 Sec. 5.1. The Birth-Related Neurological Impairment Study Commission,
28 created by Section 6.1 of Chapter 1100 of the 1987 Session Laws and continued by
29 Chapter 64 of the 1989 Session Laws, is revived and shall continue in existence until the
30 **sine die** adjournment of the 1991 Regular Session. The Commission shall report its
31 findings and recommendations to the 1991 General Assembly.

32 Sec. 5.2. The continued Birth-Related Neurological Impairment Study
33 Commission shall have the powers and duties of the original Commission as they are
34 necessary to continue the original study, and to plan further activity on the subject of
35 assisting all birth-related neurologically impaired victims.

36 Sec. 5.3. Members and staff of the continued Birth-Related Neurological
37 Impairment Study Commission shall receive compensation and expenses as under the
38 original authorization in Chapter 1100 of the 1987 Session Laws.

39 Sec. 5.4. The members of the Birth-Related Neurological Impairment Study
40 Commission shall be those members originally appointed to the Commission pursuant
41 to Part VI of Chapter 1100 of the 1987 Session Laws (1988 Regular Session) and the
42 following two new members: (i) one member of the North Carolina State Bar
43 specializing in the representation of birth-related neurologically impaired victims,
44 appointed by the Speaker of the House of Representatives and (ii) a director or operator

1 of a long-term residential care facility for birth-related neurologically impaired victims,
2 appointed by the President of the Senate.

3 Sec. 5.5. Of the funds appropriated to the General Assembly there is
4 allocated the sum of \$25,000 for the 1990-91 fiscal year to fund the work of the Birth-
5 Related Neurological Impairment Study Commission.

6

7 PART VI.—STUDY COMMISSION ON OPEN GOVERNMENT THROUGH
8 PUBLIC TELECOMMUNICATIONS

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10 Sec. 6.1. There is created the Study Commission on Open Government
11 Through Public Telecommunications, to be composed of 13 members, with three
12 Senators appointed by the President Pro Tempore of the Senate; three Representatives,
13 one of whom is the Legislative Liaison to the Open Public Events Network Committee,
14 to be appointed by the Speaker of the House; the current and two previous chairmen of
15 the Public Telecommunications Board of Commissioners; the chairman of the Open
16 Public Events Network (ex officio member of the Board of Commissioners by statute);
17 the Secretary of the Department of Administration (designated by statute as ex officio
18 member and secretary of the Board of Commissioners); the chairman of the Planning
19 Committee of the Board of Commissioners; and a representative of the North Carolina
20 cable television industry. Appointments will be made within 30 days subsequent to the
21 **sine die** adjournment of the 1989 Regular Session. The chairman of the Study
22 Commission shall be the Legislative Liaison to the Open Public Events Network
23 Committee.

24 Sec. 6.2. The Study Commission shall study the advisability, feasibility and
25 costs of expanding the Open Public Events Network to include gavel-to-gavel coverage
26 of the North Carolina General Assembly, and as a part of the study, the Study
27 Commission shall consider (i) leasing bulk satellite transponder time and (ii) selling off
28 excess (unused) time, with some income from sale dedicated to support operating costs
29 of the expanded Open Public Events Network.

30 Sec. 6.3. 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 Study Commission. The Department of Administration, through the
33 Agency for Public Telecommunications, will provide substantial staffing of the Study
34 Commission, with the assistance of the staffs of other State agencies as needed.

35 Sec. 6.4. The Study Commission will file a written report, including
36 recommended legislation, with the presiding officers of the House of Representatives
37 and the Senate, by March 1, 1991. The Study Commission will be considered dissolved
38 upon **sine die** adjournment of the 1991 Regular Session.

39 Sec. 6.5. Members of the Study Commission shall be paid compensation and
40 per diem and travel expenses in accordance with G.S. 138-5. Members who are
41 legislators shall be reimbursed for travel and subsistence in accordance with G.S. 120-
42 3.1. Witnesses from outside Raleigh invited to testify will be reimbursed for travel
43 expenses at State rates.

1 Sec. 6.6. The Study Commission will bear the costs of teleconferences
2 arranged to receive testimony advancing the work of the Study Commission.

3 Sec. 6.7. There is allocated from the funds appropriated to the General
4 Assembly the sum of \$15,000 for the 1990-91 fiscal year to the Study Commission on
5 Open Government Through Public Telecommunications for its work, provided,
6 however, that the Legislative Services Commission may allocate additional funds
7 necessary to enable the Commission to complete its study.

8
9 PART VII.—SCHOOL IMPROVEMENT ACT STUDY (H.J.R. 2367 - Nesbitt)

10
11 Sec. 7.1. In addition to the issues authorized for study pursuant to Section 5.4
12 of Chapter 802 of the 1989 Session Laws, the Education Study Commission may study
13 methods of increasing involvement of parents and teachers in developing local school
14 improvement plans under the Performance-based Accountability Program and of
15 increasing the involvement of teachers in approving such plans.

16 Sec. 7.2. The study may include the provisions of Section 1 of House Bill
17 2367, as introduced on June 6, 1990, which provided (a) for the involvement of over
18 fifty percent (50%) of the teachers in a local school administrative unit in developing
19 the unit's local school improvement plan, for (b) a vote by teachers in each individual
20 school for approving the strategies for that school for attaining the local student
21 performance goals, and (c) for a vote by teachers and administrators before submission
22 of a local school improvement plan to the State Superintendent for approval. The study
23 may also include consideration of methods of involvement of substantial numbers of
24 parents in developing the unit's local school improvement plan.

25
26 PART VIII.—EFFECTIVE DATE

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28 Sec. 8.1. Section 3.2 of this act is effective June 30, 1990. The remainder of
29 this act is effective July 1, 1990.