

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 1078  
HOUSE BILL 296

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

PART I.—

The General Assembly of North Carolina enacts:

--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.

PART II.—LEGISLATIVE RESEARCH COMMISSION

**Sec. 2.1**

**Sec. 2.2**

**Sec. 2.3**

**Sec. 2.4**

**Sec. 2.5**

**Sec. 2.6**

**Sec. 2.7**

**Sec. 2.8**

**Sec. 2.9**

**Sec. 2.10**

**Sec. 2.11**

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

**Sec. 3.1**

**Sec. 3.2**

**Sec. 3.3**

PART IV.—COSMETIC ARTS REGULATION

Sec. 4.1

Sec. 4.2

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

Sec. 5.1

Sec. 5.2

Sec. 5.3

Sec. 5.4

Sec. 5.5

PART VI.—OPEN GOVERNMENT THROUGH PUBLIC  
TELECOMMUNICATIONS STUDY COMMISSION

Sec. 6.1

Sec. 6.2

Sec. 6.3

Sec. 6.4

Sec. 6.5

Sec. 6.6

Sec. 6.7

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

Sec. 7.1

Sec. 7.2

PART VIII.—STATE LAW ENFORCEMENT STUDY

Sec. 8.1

Sec. 8.2

PART IX.—EFFECTIVE DATE

Sec. 9.1

---

PART II.—LEGISLATIVE RESEARCH COMMISSION

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

- (1) Small System and Individual Water and Wastewater Needs (H.B. 2373 - Hardaway),
- (2) Health Insurance Pool (H.B. 985 - Hunt, Judy),
- (3) Veterans' Home (H.B. 2139 - Hurley),
- (4) Public Attorneys Education Assistance (S.B. 1269), and
- (5) Infrastructure Bonds (S.B. 1582 - Carpenter).

**Sec. 2.2.** Bed and Breakfast Inn Regulation Study. The Legislative Research Commission may study the issue of regulating bed and breakfast inns in the 5 to 20 room classification, including the following:

- (1) the legal definition of a bed and breakfast inn for the purposes of statewide uniform administration of the Public Health Law of North Carolina;
- (2) the need for exemptions from the following regulations:
  - (a) commercial grade, stainless steel NSF-approved kitchen equipment;
  - (b) separate family kitchens;
  - (c) public restrooms for the dining room;
  - (d) private baths with each guest room;
  - (e) employees' restrooms;
  - (f) extra handwashing basins;
  - (g) three-basin sinks;
- (h) sprinkler systems;
- (3) tax issues relating to the operation of bed and breakfast inns.

**Sec. 2.3.** Prescription Drug Assistance (H.B. 2149 - Green). The Legislative Research Commission may study the issue of creating a prescription drug assistance program, including the following:

- (1) Medication needs of low-income persons;
- (2) State/local/private cooperative efforts to provide prescription drugs at reduced cost or no cost to low-income persons;
- (3) Eligibility for the program; and
- (4) Financing and costs of the program.

**Sec. 2.4.** Public Transportation Financing Study - continued (H.B. 2301 - Blue). Section 7 of Chapter 740 of the 1989 Session Laws reads as rewritten:

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

**Sec. 2.5.** Mail Order Sales Taxes Study (H.B. 2334 - Pope). The Legislative Research Commission may authorize its Revenue Laws Study Committee, created pursuant to Section 2.1 of Chapter 802 of the 1989 Session Laws, or such other committee as it deems appropriate, to study the issue of the constitutionality of mail order sales taxes.

Sec. 2.6. Budget Restructuring and Legislative Session Study (S.B. 1388 - Goldston; H.B. 2293 - Pope). The Legislative Research Commission may study the following:

- (1) Whether in preparing and enacting the budget for a fiscal year, the Governor and General Assembly shall use as the State funds revenue estimate for the General, Highway, and Wildlife Funds no more than the total State funds received for the calendar year ending December 31 immediately prior to the fiscal year.
- (2) Whether if the budget estimates any reversions at the end of the fiscal year covered by the budget, those reversions may be proposed only for capital projects, or other projects with a fiscal impact only in that fiscal year.
- (3) Whether the State should go to an annual rather than a biennial budget and limit future session lengths by statute.
- (4) If the Committee makes favorable recommendations concerning the above provisions, any necessary technical provisions, as well as a proposed transition period to enable a smoother change in budget process.

**Sec. 2.7.** Hazardous Waste Management Study. The Legislative Research Commission may study the broad problem of hazardous waste management and the reduction of waste to the end that the safest, most cost-effective, most efficient, and most scientifically sound methods of reduction, recycling, recovery and management of waste will become more readily apparent to the ordinary citizen and taxpayer. The direction of the study shall not be inconsistent with the State of North Carolina's existing interstate agreements concerning hazardous waste management.

**Sec. 2.8.** Committee Membership. For each Legislative Research Commission Committee created during the 1989-1991 biennium, the Cochairmen of the Commission each shall appoint a minimum of seven members.

**Sec. 2.9.** Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1991 General Assembly.

**Sec. 2.10.** Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

**Sec. 2.11.** Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

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

**Sec. 3.1.** Notwithstanding the provisions of Section 6.7 of Chapter 802 of the 1989 Session Laws, there is allocated from funds appropriated to the General Assembly

the sum of \$10,000 for the 1990-91 fiscal year to fund the North Carolina Energy Assurance Study Commission created in Part VI of Chapter 802 of the 1989 Session Laws.

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

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

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

#### PART IV.—COSMETIC ARTS REGULATION

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

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

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

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

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

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

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

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

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

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

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

**Sec. 6.2.** The Study Commission shall study the advisability, feasibility and costs of expanding the Open Public Events Network to include gavel-to-gavel coverage

of the North Carolina General Assembly, and as a part of the study, the Study Commission shall consider (i) leasing bulk satellite transponder time and (ii) selling off excess (unused) time, with some income from sale dedicated to support operating costs of the expanded Open Public Events Network.

**Sec. 6.3.** Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Study Commission. The Department of Administration, through the Agency for Public Telecommunications, will provide substantial staffing of the Study Commission, with the assistance of the staffs of other State agencies as needed.

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

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

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

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

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

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

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

#### PART VIII.—STATE LAW ENFORCEMENT STUDY

**Sec. 8.1.** Section 107 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 107. The Joint Legislative Commission on Governmental Operations shall conduct a study of State law enforcement agencies and of other State agencies having law enforcement responsibility. This study shall include:

- (1) Consideration of a method to coordinate the activities of these agencies as appropriate and to reduce duplication and overlapping of law enforcement responsibilities, training, and technical assistance among State law enforcement agencies and among other State agencies having law enforcement responsibility;
- (2) Examination of the salary grade of all State law enforcement agencies' officers and a determination of whether present salary grades are appropriate; and
- (3) Determination of whether G.S. 114-13 should be changed to make sworn law enforcement agents of the State Bureau of Investigation exempt from G.S. 126-7 but subject to the same salary classifications, ranges, and longevity pay for services as are applicable to other State employees generally, and whether to increase the agents' salary in an amount corresponding to the increments between steps within the salary range established for the class to which the member's position is assigned by the State Personnel Commission, not to exceed the maximum of each applicable salary range.

The Commission may hire outside consultants, if necessary, to assist in its study. The Commission may make an interim report to the 1989 General Assembly, Regular Session 1990, and ~~may shall~~ make a final report to the House and Senate Appropriations Committees on Justice and Public Safety and to the 1991 General Assembly."

**Sec. 8.2.** There is allocated from funds appropriated to the General Assembly the sum of \$100,000 for the 1990-91 fiscal year to the Joint Legislative Commission on Governmental Operations for the completion of the work authorized by this Part.

#### PART IX.—EFFECTIVE DATE

**Sec. 9.1.** Section 3.2 of this act is effective June 30, 1990. The remainder of this act is effective July 1, 1990.

In the General Assembly read three times and ratified this the 28th day of July, 1990.