

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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**SENATE BILL 231\***  
**Appropriations Committee Substitute Adopted 7/25/89**

Short Title: Studies for 1989-90.

(Public)

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Sponsors:

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Referred to:

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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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8                   Allran, S.B. 281 - Marvin).

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28 PART XIX.—INMATE WORK EFFICIENCY STUDY

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37 PART XXI.—GUARDIANSHIP STUDY

38               (S.B. 1243 - Odom).

39           Sec. 21.1

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41 PART XXII.—STATE EMPLOYEE MOVING EXPENSES STUDY

42               (S.B. 1292 - Sherron).

43           Sec. 22.1

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## 1 PART XXIII.—ELIZABETH II CULTURAL ACTIVITIES FACILITY STUDY

2 (S.B. 1299 - Basnight).

3 Sec. 23.1

4  
5 PART XXIV.—EFFECTIVE DATE

6 Sec. 24.1

7  
8 PART II.—LEGISLATIVE RESEARCH COMMISSION9 Sec. 2.1. The Legislative Research Commission may study the topics listed  
10 below. Listed with each topic is the 1989 bill or resolution that originally proposed the  
11 issue or study and the name of the sponsor. The Commission may consider the original  
12 bill or resolution in determining the nature, scope and aspects of the study. The topics  
13 are:

- 14 (1) Acquired Immune Deficiency Syndrome—AIDS (S.J.R. 74 - Marvin),
- 
- 15 (2) State Ports—study continued (S.J.R. 96 - Barker, H.B. 133 - Hall),
- 
- 16 (3) Solid Waste (S.J.R. 112 - Speed, S.B. 1214 - Basnight),
- 
- 17 (4) Worker Training Trust Fund (S.B. 271 - Parnell),
- 
- 18 (5) Tourism's Growth and Effect—study continued (S.B. 297 - Block, H.B.
- 
- 19 379 - Warren),
- 
- 20 (6) Deregulation of Revolving Credit and Authorization of Credit Card
- 
- 21 Banks (S.B. 377 - Staton),
- 
- 22 (7) Comprehensive Groundwater Legislation Need (S.J.R. 367 - Winner,
- 
- 23 H.B. 554 - DeVane),
- 
- 24 (8) Public Health Services (S.B. 435 - Block),
- 
- 25 (9) Administrative Procedure Act's Rule-Making Process (S.B. 535 -
- 
- 26 Johnson) and Office of Administrative Hearings and the
- 
- 27 Administrative Rules Review Commission (S.J.R. 1003 -Martin of
- 
- 28 Guilford, H.B. 1459 - Michaux),
- 
- 29 (10) Medical Emergency Services (S.J.R. 880 - Harris), and Medical
- 
- 30 Services for Law Enforcement Personnel (S.B. 1303 - Marvin, H.B.
- 
- 31 1359 - Justus),
- 
- 32 (11) " Willie M."Programs (S.J.R. 887 - Block),
- 
- 33 (12) Statutory Rape Laws (S.B. 906 - Chalk),
- 
- 34 (13) Eminent Domain for Coal Slurry Pipelines (S.B. 1074 - Condor),
- 
- 35 (14) Toxic Materials in Medicine and Dentistry (S.B. 1171 - Tally),
- 
- 36 (15) Yadkin River Use and Protection (S.B. 1182 - Kaplan),
- 
- 37 (16) Wetlands Protection (S.B. 1250 - Barker),
- 
- 38 (17) Consumer Protection Issues for the Elderly (S.B. 1261 - Barker),
- 
- 39 (18) State Marine Patrol (S.B. 1267 - Barker),
- 
- 40 (19) Mandatory Continuing Legal Education (S.J.R. 1288 - Marvin),
- 
- 41 (20) Sports Fishing Licenses (S.B. 1284 - Barker).

42 Sec. 2.2. Local Revenue Sources Options (S.B. 1298 - Odom). The  
43 Legislative Research Commission may develop proposed options for local revenue  
44 sources, including an additional one-half cent (1/2¢) local sales and use tax, a local

1 option county income tax on county residents and/or people who work in the county,  
2 and a local option county payroll tax and permanent source of revenue to local  
3 governments from the North Carolina income tax to replace reimbursements currently  
4 appropriated each year from the General Fund. In developing the proposals, the  
5 Commission may consider the fiscal impact of each proposal, how to simplify the  
6 administration of each proposal, how to reduce the burden on businesses, individuals,  
7 and the Department of Revenue in complying with each proposal, and other practical  
8 and legal issues associated with the proposals.

9       Sec. 2.3. Legislative Activity Between Legislative Sessions. The Legislative  
10 Research Commission may study the procedures of this, other states' and other  
11 legislative bodies' practices and procedures regulating legislative and study activity  
12 between legislative sessions and may make recommendations as to changes in law,  
13 procedures and rules that will lead to greater efficiency in the legislative process while  
14 safeguarding the rights of all members of the General Assembly and of the citizens in  
15 this State's legislative process.

16       Sec. 2.4. Reporting Dates. For each of the topics the Legislative Research  
17 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the  
18 Commission may report its findings, together with any recommended legislation to the  
19 1991 General Assembly.

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

24       Sec. 2.6. From the funds available to the General Assembly, the Legislative  
25 Services Commission shall allocate monies to fund the work of the Legislative Research  
26 Commission.

### 27 28 PART III.—COMMISSION ON THE FAMILY

29       Sec. 3.1. Chapter 120 of the General Statutes is amended by adding a new  
30 Article to read:

#### 31                                   "ARTICLE 12F.

#### 32                                   "COMMISSION ON THE FAMILY.

#### 33       "§ 120-70.60. Commission established.

34       The Commission on the Family is hereby established as a permanent commission.  
35 As used in this Article, the term 'Commission' means the Commission on the Family.

#### 36       "§ 120-70.61. Powers and duties.

37       The Commission shall study State government policy and programs affecting the  
38 family, specifically addressing family issues from the point of existing laws,  
39 governmental programs needed or already functioning, and current family life issues.  
40 The Commission shall work in close collaboration with various agencies and programs  
41 dealing with the family. Among the issues the Commission may consider studying are  
42 the following:

- 1 (1) The feasibility of establishing model projects that would be located  
2 primarily in low-income, high drop-out rate communities in North  
3 Carolina:
  - 4 a. To teach adults in the family to read; and
  - 5 b. To provide after school care for school-aged children using  
6 volunteers who could be retirees in the provision of services;
- 7 (2) The fiscal impact of a cash stipend created by a tax deduction or by  
8 industry dollars to promote literacy or the obtaining of a General  
9 Education Development Degree for persons who are presently illiterate  
10 or outside the school system;  
11 General Education Development Degree for persons who are presently  
12 illiterate or outside the school system;
- 13 (3) The needs for day care for children and senior citizens, an increase in  
14 Aid to Families with Dependent Children payments and eligibility  
15 requirements, coordination of State law with federal welfare reform  
16 programs, in-home services for the elderly, additional funding for adult  
17 day care, and incentives for industries to develop day care programs;
- 18 (4) The relationship between the decline of real income and the tax  
19 structure, college tax credits, the minimum wage, and welfare support  
20 systems;
- 21 (5) The State's efforts in the areas of adolescent pregnancy and teaching  
22 about adolescent sexuality;
- 23 (6) Undertake a comprehensive review of State and federal programs  
24 encouraging business and industry to provide adequate child care for  
25 their employees;
- 26 (7) Analyze what the State is currently doing to encourage North Carolina  
27 businesses and industry to provide adequate child care for their  
28 employees;
- 29 (8) Identify the North Carolina employers that presently provide child care  
30 options for their employees and what types of options they provide;
- 31 (9) Undertake a comprehensive study of the types of tax incentives and  
32 other incentives that would encourage North Carolina businesses—  
33 especially those that have 50 or more employees—to either provide on-  
34 site child care facilities or provide other child care options and the cost  
35 to the State of these tax incentives;
- 36 (10) Recommend what the State could be doing to encourage North  
37 Carolina businesses to provide on-site child care facilities or other  
38 child care options for their employees;
- 39 (11) Recommend a comprehensive policy for North Carolina to encourage  
40 businesses within the State to provide on-site child care facilities or  
41 other child care options for their employees; and
- 42 (12) Study the concept of requiring coverage of child health supervision  
43 services in all health insurance policies sold or delivered within the  
44 State.



1 **"§ 120-70.62. Membership; cochairmen; vacancies.**

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

- 3 (1) The Secretary of Human Resources or his designee;
- 4 (2) The Superintendent of Public Instruction or his designee;
- 5 (3) Three members of the House of Representatives appointed by the  
6 Speaker of the House;
- 7 (4) Three members of the Senate appointed by the President Pro Tempore  
8 of the Senate;
- 9 (5) Two members at-large appointed by the Speaker of the House;
- 10 (6) Two members at-large appointed by the President Pro Tempore of the  
11 Senate; and
- 12 (7) Two members at-large appointed by the Governor.

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

14 The Commission shall have its initial meeting no later than October 1, 1989 at the  
15 call of the Speaker of the House and the President Pro Tempore of the Senate. The  
16 Speaker of the House and the President Pro Tempore shall each appoint a cochairman  
17 from the membership of the Commission. The membership shall meet upon the call of  
18 the cochairmen.

19 **"§ 120-70.63. Compensation and expenses of members.**

20 The Commission members shall receive no salary for serving but shall receive  
21 necessary subsistence and travel expenses in accordance with the provisions of G.S.  
22 120-3.1, G.S. 138-5, and G.S. 138-6 as applicable.

23 **"§ 120-70.64. Additional powers.**

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

26 The Commission shall have authority to obtain information and data from all State  
27 officers, agents, agencies, and departments while in the discharge of its duties, pursuant  
28 to the provisions of G.S. 120-19 as if it were a committee of the General Assembly.  
29 The Commission shall have the authority to call witnesses, compel testimony relevant to  
30 any matter properly before the Commission, and subpoena relevant records and  
31 documents. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the  
32 proceedings of the Commission as if it were a joint committee of the General Assembly.  
33 In addition to the other signatures required for the issuance of a subpoena under this  
34 section, the subpoena shall also be signed by the cochairmen of the Commission. Any  
35 cost of providing information to the Commission not covered by G.S. 120-19.3 may be  
36 reimbursed by the Commission from funds available for the Commission's work.

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

39 **"§ 120-70.65. Staffing.**

40 At the request of the Commission, the Legislative Services Commission may supply  
41 members of the staff of the Legislative Services Office and clerical assistance to the  
42 Commission as it deems appropriate. The Commission may, with the approval of the  
43 Legislative Services Commission, meet in the State Legislative Building or the  
44 Legislative Office Building."

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

5  
6 PART IV.—STATE INFRASTRUCTURE AND LOCAL GOVERNMENT NEEDS  
7 STUDY COMMISSION

8           Sec. 4.1. The State Infrastructure Needs and Financing Study Commission is  
9 created. The Commission shall:

- 10           (1) Undertake a comprehensive review and analysis of the impact upon  
11 community service facilities of any new development, construction, or  
12 installation that requires any permit, certification, or other  
13 governmental or quasi-governmental action allowing real property  
14 development and that generates or tends to generate the need for new,  
15 expanded, or improved community service facilities. For purposes of  
16 this study, the term "community service facilities" means public  
17 facilities or improvements provided or established by a local  
18 government, including those provided or established by a local  
19 government jointly with other units of government or government  
20 agencies, whether local, State, or federal. The term includes utility  
21 facilities, transportation facilities, parks and recreation facilities,  
22 drainage and water quality facilities, streets and sidewalks, open  
23 spaces, emergency and public safety facilities, sewer treatment  
24 facilities, and waste disposal facilities, but does not include public  
25 educational facilities such as schools, technical institutions,  
26 community colleges, and similar facilities;
- 27           (2) Undertake a comprehensive review and analysis of the various  
28 methods by which local governments both within North Carolina and  
29 within other states, as deemed appropriate by the Commission, fund  
30 the costs of expanded, new, or improved community service facilities;
- 31           (3) Determine the most equitable and appropriate means for local  
32 governments to obtain funds to provide the new, expanded, or  
33 improved community service facilities needed because of the real  
34 property development described in subdivision (1). The Commission  
35 shall, in making this determination, consider and analyze all practical,  
36 legal funding means which are, or which constitutionally could be,  
37 available to local governments;
- 38           (4) Study State financial support of local government functions, including  
39 the following:
- 40           a. A review of the extent to which the State provides financial  
41 support to or for the benefit of local governments;
- 42           b. A review of the history of State policies that have influenced  
43 the State's support of local governments;

- 1 c. Identification of local functions that should be subsidized by the  
2 State and determination of the extent of State support that  
3 would be appropriate;
- 4 d. Recommendation of a viable, reasonable, and balanced State  
5 policy on State support of local government functions for the  
6 remainder of this century; and
- 7 e. Recommendations for further consideration by other  
8 commissions regarding sources of revenue and methods of  
9 generating revenue to meet the State's obligations for State  
10 funding or joint State-local funding of local government  
11 functions;
- 12 (5) Study the need for additional local government revenue sources to  
13 supplement the property tax, local sales and use taxes, and other  
14 existing revenue sources;
- 15 (6) Review recent changes in federal and State law that have reduced  
16 financial assistance to local governments, created needs for increased  
17 expenditures, and restricted the property tax base;
- 18 (7) Undertake a comprehensive review of State and local functional and  
19 funding responsibilities for services provided by State and local  
20 government units in North Carolina;
- 21 (8) Make a comprehensive review of sources of funding local government  
22 units in North Carolina;
- 23 (9) Study the system under which local units are dependent on the State  
24 for authorization of changes in local revenue sources;
- 25 (10) Analyze the impact of federal legislation since 1981 and potential  
26 federal legislation on the fiscal outlook of the State and local  
27 government units;
- 28 (11) Analyze the methods and formulas used in providing State financial  
29 assistance to local government units, including reimbursement for  
30 local tax changes;
- 31 (12) Analyze the relationship between the State and local budget cycles;
- 32 (13) Review the process by which local fiscal impact information is  
33 presented during the State budget process; and
- 34 (14) Discuss the merits of establishing a permanent advisory commission  
35 comprised of State and local elected officials and private citizens that  
36 would continually review State and local fiscal relationships.
- 37 Sec. 4.2. The Commission shall consist of 20 members to be appointed as  
38 follows:
- 39 (1) Five members of the Senate appointed by the President Pro Tempore  
40 of the Senate, one of whom shall be designated cochair;
- 41 (2) Five public members appointed by the President Pro Tempore of the  
42 Senate, one of whom shall be an elected city government official, one  
43 of whom shall be from the land use planning department or agency of

1 a city, and two of whom shall be persons who are involved with or  
2 have had extensive experience in land development;

3 (3) Five members of the House of Representatives appointed by the  
4 Speaker of the House of Representatives, one of whom shall be  
5 designated cochair; and

6 (4) Five public members appointed by the Speaker of the House of  
7 Representatives, one of whom shall be an elected county government  
8 official, one of whom shall be from the land use planning department  
9 or agency of a county, and two of whom shall be persons who are  
10 involved with or who have had extensive experience in land  
11 development.

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

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

18 Sec. 4.5. The Commission may submit an interim report of its findings and  
19 recommendations and the status of its review and analyses to the General Assembly on  
20 or before the first day of the 1990 Regular Session of the 1989 General Assembly. The  
21 Commission shall submit the final report of its findings and recommendations to the  
22 General Assembly on or before January 15, 1991. All reports shall be submitted by  
23 filing the report with the Speaker of the House of Representatives and the President Pro  
24 Tempore of the Senate. The Commission shall terminate upon filing its final report.

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

26 Sec. 4.7. Upon approval of the Legislative Services Commission, the  
27 Legislative Services Officer shall assign professional and clerical staff to assist in the  
28 work of the Commission. Clerical staff shall be furnished to the Commission through  
29 the Offices of House and Senate Supervisors of Clerks. The expenses of employment of  
30 the clerical staff shall be borne by the Commission. The Commission may meet in the  
31 Legislative Building or the Legislative Office Building upon the approval of the  
32 Legislative Services Commission.

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

35 (1) Commission members who are also members of the General  
36 Assembly, at the rate established in G.S. 120-3.1.

37 (2) Commission members who are officials or employees of the State or  
38 local government agencies, at the rate established in G.S. 138-6.

39 (3) All other Commission members at the rate established in G.S. 138-5.

40 Sec. 4.9. There is allocated from the funds appropriated to the Legislative  
41 Services Commission from the reserve for studies to the State Infrastructure and Local  
42 Government Needs Study Commission for its work the sum of \$30,000 for the 1989-  
43 1990 fiscal year and the sum of \$25,000 for the 1990-1991 fiscal year.

44

## 1 PART V.—MENTAL HEALTH STUDY COMMISSION

2 Sec. 5.1. The Mental Health Study Commission, established and structured  
3 by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter  
4 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session  
5 Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter  
6 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; and Chapter 873, 1987  
7 Session Laws; is revived and authorized to continue in existence until July 1, 1991.

8 Sec. 5.2. Section 2 of Resolution 80, Session Laws of 1973, as amended by  
9 Chapter 806, Session Laws of 1973, Section 2 of Chapter 184, Session Laws of 1977,  
10 and as rewritten by Section 10.1 of Chapter 792 of the 1985 Session Laws, reads as  
11 rewritten:

12 "Sec. 2. Appointment of Members. The Commission shall consist of 24 members.  
13 The Speaker of the House shall appoint eight members at least six of whom at the time  
14 of their appointment are members of the House, and one of those six shall be Chairman  
15 of the Mental Health Committee of the House of Representatives. The President Pro  
16 Tempore of the Senate shall appoint eight members at least six of whom at the time of  
17 their appointment are members of the Senate, and one of those six shall be Chairman of  
18 the Senate Human Resources Committee. The Governor shall appoint eight members,  
19 two of whom at the time of their appointment shall be county commissioners taken from  
20 a list of four candidates nominated by the North Carolina Association of County  
21 Commissioners. If that Association fails to make nominations by September 1,  
22 ~~1985~~1989, the Governor may appoint any two county commissioners."

23 Sec. 5.3. The first sentence of Section 3 of Resolution 80, Session Laws of  
24 1973, as the same was rewritten by Section 10.2 of Chapter 792 of the 1985 Session  
25 Laws and is contained therein, is rewritten to read:

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

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

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

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

- 39 (1) Have oversight, and review and make recommendations regarding the  
40 implementation of the Comprehensive Long Range Plan for Adults  
41 with Severe and Persistent Mental Illness;  
42 (2) Have oversight, and review and make recommendations regarding  
43 pioneer testing of funding policies;

- 1           (3) Continue the study of insurance coverage for mental illness and  
2           chemical dependency;
- 3           (4) Continue the study of mental health services in the criminal justice  
4           system, particularly in North Carolina jails; and
- 5           (5) Examine the needs of adult citizens suffering from substance abuse  
6           and develop a comprehensive plan to provide a continuum of care to  
7           respond to those needs.

8           Sec. 5.7. There is appropriated from the General Fund to the Department of  
9           Human Resources for the 1989-90 fiscal year the sum of twenty thousand dollars  
10          (\$20,000) for the use of the Commission in the study of insurance coverage for mental  
11          illness and chemical dependency.

12

13 **PART VI.—STATE PARKS STUDY COMMISSION**

14          Sec. 6.1. There is created a Study Commission on State Parks and  
15          Recreation Areas to be composed of nine members, three Senators to be appointed by  
16          the President Pro Tempore of the Senate, three Representatives appointed by the  
17          Speaker of the House, and three public members to be appointed by the Governor.  
18          Appointments to the Study Commission shall be made within 30 days subsequent to the  
19          adjournment of the General Assembly in 1989. The President Pro Tempore of the  
20          Senate and the Speaker of the House shall each designate a cochairman from their  
21          appointees. Either cochairman may call the first meeting of the Study Commission.

22          Sec. 6.2. The Study Commission is authorized:

- 23          (1) To identify the needs of State Parks and Recreation Areas;
- 24          (2) To collect and evaluate reports and recommendations of various  
25          agencies, councils, and associations relating to State Parks and  
26          Recreation Areas;
- 27          (3) To study the recreation potential of the Randleman Dam area and its  
28          possible inclusion in the State Parks System;
- 29          (4) To review and formulate recommended legislation; and
- 30          (5) To study any other issues pertinent to the State Parks and Recreation  
31          System.

32          Sec. 6.3. 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 cochairmen may assign and direct the activities  
39          of the employees, subject to the advice of the Study Commission. The Department of  
40          Natural Resources and Community Development and any other departments, boards, or  
41          associations shall assist the Study Commission and furnish any information or expertise  
42          requested.

43          Sec. 6.4. The Study Commission may file an interim report to the General  
44          Assembly on or before the convening of the 1990 Session and shall file a written report

1 of its findings and recommendations with the presiding officer of the House of  
2 Representatives and the Senate on or before the convening of the 1991 Session of the  
3 General Assembly. The Study Commission shall terminate upon the filing of the final  
4 report.

5           Sec. 6.5. Members of the Study Commission shall be paid compensation and  
6 per diem and travel expenses in accordance with G.S. 138-5. Members who are  
7 legislators shall be reimbursed for travel and subsistence in accordance with G.S. 120-  
8 3.1.

9           Sec. 6.6. There is allocated from the funds appropriated to the Legislative  
10 Services Commission from the reserve for studies to the State Parks Study Commission  
11 for its work the sum of \$20,000 for the 1989-1990 fiscal year and the sum of \$20,000  
12 for the 1990-1991 fiscal year.

13

14 PART VII—JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND  
15 AQUACULTURE

16           Sec. 7.1. Chapter 120 of the General Statutes is amended by adding a new  
17 Article to read:

18

**"ARTICLE 12E.**

19

**"JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.**

20

**"§ 120-70.51. Committee established.**

21

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

25

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

26

The Joint Legislative Commission on Seafood and Aquaculture shall consist of  
27 eleven members: three Senators appointed by the President Pro Tempore of the Senate;  
28 three Representatives appointed by the Speaker of the House of Representatives; three  
29 members appointed by the Governor; and two members appointed by the Commissioner  
30 of Agriculture. The members shall serve at the pleasure of their appointing officer. The  
31 President Pro Tempore of the Senate shall designate one Senator to serve as cochairman  
32 and the Speaker of the House of Representatives shall designate one Representative to  
33 serve as cochairman. Vacancies occurring on the Commission shall be filled in the  
34 same manner as initial appointments. A quorum of the Commission shall consist of six  
35 members.

36

**"§ 120-70.53. Powers and duties.**

37

The Commission shall have the following powers and duties:

38

(1) To monitor and study the current seafood industry in North Carolina  
39 including studies of the feasibility of increasing the State's production,  
40 processing, and marketing of seafood;

41

(2) To study the potential for increasing the role of aquaculture in all  
42 regions of the State;

43

(3) To evaluate the feasibility of creating a central permitting office for  
44 fishing and aquaculture matters;

- 1 (4) To evaluate actions of the Marine Fisheries Division of the  
2 Department of Natural Resources and Community Development, the  
3 Wildlife Resources Commission of the Department of Natural  
4 Resources and Community Development, and of any other board,  
5 commission, department, or agency of the State or local government as  
6 such actions relate to the seafood and aquaculture industries;
- 7 (5) To make recommendations regarding regulatory matters relating to the  
8 seafood and aquaculture industries including, but not limited to:
- 9 a. Increasing the State's representation and decision-making  
10 ability by dividing the State between the Atlantic and South  
11 Atlantic regions of the National Division of Marine Fisheries;  
12 and
- 13 b. Evaluating the necessity to substantially increase penalties for  
14 trespass and theft of shellfish and other aquaculture products;
- 15 (6) To review and evaluate changes in federal law and regulations,  
16 relevant court decisions, and changes in technology affecting the  
17 seafood and aquaculture industries;
- 18 (7) To review existing and proposed State law and rules affecting the  
19 seafood and aquaculture industries and to determine whether any  
20 modification of law or rules is in the public interest;
- 21 (8) To make reports and recommendations, including draft legislation, to  
22 the General Assembly from time to time as to any matter relating to  
23 the powers and duties set out in this section; and
- 24 (9) To undertake such additional studies as it deems appropriate or as may  
25 from time to time be requested by the President of the Senate, the  
26 President Pro Tempore of the Senate, the Speaker of the House of  
27 Representatives, either house of the General Assembly, the Legislative  
28 Research Commission, or the Joint Legislative Commission on  
29 Governmental Operations, and to make such reports and  
30 recommendations to the General Assembly regarding such studies as it  
31 deems appropriate.

32 **"§ 120-70.54. Additional powers.**

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

39 **"§ 120-70.55. Compensation and expenses of members.**

40 Members of the Commission shall receive per diem and travel allowances in  
41 accordance with G.S. 120-3.1 for members who are legislators, and shall receive  
42 compensation and per diem and travel allowances in accordance with G.S. 138-5 for  
43 members who are not legislators.

44 **"§ 120-70.56. Staffing.**



1 The Legislative Administrative Officer shall assign as staff to the Commission  
2 professional employees of the General Assembly, as approved by the Legislative  
3 Services Commission. Clerical staff shall be assigned to the Commission through the  
4 Offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House  
5 of Representatives. The expenses of employment of clerical staff shall be borne by the  
6 Commission.

7 **"§ 120-70.57. Funding.**

8 From funds available to the General Assembly, the Legislative Services Commission  
9 shall allocate monies to fund the Joint Legislative Commission on Seafood and  
10 Aquaculture."

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

15  
16 **PART VIII.—SOCIAL SERVICES STUDY COMMISSION**

17 Sec. 8.1. There is established the Social Services Study Commission, an  
18 independent commission, to study public social services and public assistance in North  
19 Carolina and to recommend improvements that will assure that North Carolina has cost-  
20 effective, consistently administered public social services and public assistance  
21 programs.

22 Sec. 8.2. The Commission shall consist of 17 voting and four nonvoting  
23 members. The Speaker of the House of Representatives shall appoint seven voting  
24 members, five of whom shall be House members, one of whom shall be a county  
25 commissioner, and one of whom shall be a low-income recipient of social services or  
26 public assistance benefits. The President Pro Tempore of the Senate shall appoint seven  
27 voting members, five of whom shall be Senators, one of whom shall be a county social  
28 services director, and one of whom shall be an advocate for low-income people who is  
29 familiar with social services and public assistance programs. The Governor shall  
30 appoint three voting members, one of whom shall be the Secretary of Human Resources  
31 or a designee, one of whom shall be an officer or director of a private social services  
32 agency, and one of whom shall be a business representative who is involved in a local  
33 Private Industry Council. The Speaker of the House of Representatives and the  
34 President Pro Tempore of the Senate shall each appoint two nonvoting members who  
35 shall be involved in the administration or funding of social services and public  
36 assistance programs. Initial appointments shall be made within 30 days following  
37 adjournment of the 1989 Session of the General Assembly. Vacancies shall be filled by  
38 the official who made the initial appointment using the same criteria as provided by this  
39 section.

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

43 Sec. 8.4. The Social Services Study Commission shall continue to examine  
44 the need for improvements in the State's social services system and develop legislation

1 to address those needs. If legislation is enacted directing the Department of Human  
2 Resources to develop a Social Services Plan, the Commission may receive status reports  
3 on the development of the Plan; upon completion of the Plan, the Commission shall  
4 receive and review it. The Commission shall also monitor and review efforts within the  
5 Department of Human Resources to (i) plan for the efficient and timely implementation  
6 of federal welfare reform provisions, and (ii) simplify public assistance programs by  
7 reducing paperwork, developing a consolidated application process, or other means.

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

11         Sec. 8.6. The Commission may solicit, employ, or contract for professional,  
12 technical, or clerical assistance, and may purchase or contract for the materials or  
13 services it needs. Subject to the approval of the Legislative Services Commission, the  
14 professional and clerical staff of the Legislative Services Office shall be available to the  
15 Commission, and the Commission may meet in the Legislative Building or the  
16 Legislative Office Building. With the consent of the Secretary of the Department of  
17 Human Resources, staff employed by the Department or any of the divisions may be  
18 assigned permanently or temporarily to assist the Commission or its staff.

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

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

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

30  
31 **PART IX.—LEGISLATIVE AND JUDICIAL SALARY STUDY COMMISSION**

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

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

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

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

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

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

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

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

14  
15 PART X.—LEGISLATIVE STUDY COMMISSION ON EDUCATIONAL EQUITY  
16 FOR PUBLIC SCHOOL STUDENTS AND ON THE FEASIBILITY OF  
17 ESTABLISHING AN EDUCATORS' HALL OF FAME.

18          Sec. 10.1. The Legislative Study Commission Educational Equity for Public  
19 School Students, and the feasibility of Establishing an Educators Hall of Fame is  
20 created. The Commission shall consist of 14 members, and particular emphasis shall be  
21 placed on selecting members who are sensitive to the issues concerning students at risk  
22 of academic underachievement. The composition of the Commission shall be as  
23 follows:

- 24           (1) Four members of the Senate appointed by the President Pro Tempore  
25 of the Senate;
- 26           (2) Four members of the House of Representatives appointed by the  
27 Speaker of the House of Representatives;
- 28           (3) A current or former superintendent of a local North Carolina school  
29 system, a current or former North Carolina public school principal, and  
30 a representative of the business sector, to be appointed by the President  
31 Pro Tempore of the Senate;
- 32           (4) A current or former school board member of a local North Carolina  
33 public school system, a current or former North Carolina public school  
34 classroom teacher, and a representative of the business sector, and  
35 another public member, to be appointed by the Speaker of the House  
36 of Representatives.

37          Sec. 10.2. 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. Vacancies occurring on the Commission shall be  
40 filled in the same manner as initial appointments. A quorum of the Commission shall  
41 consist of seven members.

42          Sec. 10.3. Members of the Commission shall receive per diem and travel  
43 allowances in accordance with G.S. 120-3.1 for members who are legislators, and G.S.  
44 138-5 for members who are not legislators.

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

- 2 (1) To study issues and matters identified in Senate Bill 751 – "State  
3 Educational Equity Grants"– of the 1989 Session;
- 4 (2) To study other methods of focusing on issues related to students at risk  
5 of academic and social failure so as to significantly increase the  
6 likelihood that all North Carolina students will graduate from high  
7 school with academic and social skills that will enable them:  
8 a. To be well-rounded productive citizens, and  
9 b. To be adequately prepared to handle the increasingly complex  
10 tasks that will enable them to successfully pursue and complete  
11 higher levels of academic and/or vocational education;
- 12 (3) To study the feasibility of establishing a State and/or local government  
13 "Earn to Learn" program, the purpose of which would be to encourage  
14 and facilitate the enrollment of high school graduates in post-  
15 secondary institutions in North Carolina. In conducting this study, the  
16 Commission is encouraged to consider inclusion of the following  
17 components in the program:  
18 a. Employment of high school graduates in State and local  
19 agencies, or other agencies, in or reasonably accessible to their  
20 places of residence;  
21 b. Development of a formula by which earnings and/or work  
22 credits can be applied to the cost of attendance at a State  
23 operated post-secondary institution;
- 24 (4) To study the feasibility of establishing an educators hall of fame to  
25 honor North Carolina educators who have made significant  
26 contributions to the education of the citizens of this State;
- 27 (5) To receive and consider reports of other studies concerning the matters  
28 set out in subsections (1) through (4) of this section and concerning  
29 related matters.

30 Sec. 10.5. The Commission may submit an interim report to the General  
31 Assembly on or before the convening of its 1990 Session, and shall submit a final report  
32 of its findings and recommendations to the General Assembly on or before the first day  
33 of the 1991 Session of the General Assembly by the filing of a report with the President  
34 Pro Tempore of the Senate, the Speaker of the House of Representatives, and the  
35 chairmen of the Senate and House Appropriations committees and subcommittees.  
36 Upon filing its final report, the Commission shall terminate. The report of the  
37 Commission shall summarize the information obtained in the course of its inquiry, set  
38 forth any findings and conclusions, and recommend such administrative actions or  
39 legislative actions that may be necessary. If legislation is recommended, the  
40 Commission shall prepare and submit with its report, or reports, appropriate bills.

41 Sec. 10.6. Upon approval of the Legislative Services Commission, the  
42 Legislative Services Officer shall assign professional and clerical staff to assist in the  
43 work of the Commission. Clerical staff shall be furnished to the Commission through  
44 the Offices of the House and Senate Supervisors of Clerks. The expenses of

1 employment of the clerical staff shall be borne by the Commission. The Commission  
2 may meet in the Legislative Building or the Legislative Office Building upon the  
3 approval of the Legislative Services Commission. The Commission, subject to the  
4 provisions of G.S. 120-32.02, enter into contracts for the provision of technical  
5 assistance it finds necessary for the performance of its responsibilities under this Part.

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

10  
11 PART XI.—LEGISLATIVE STUDY COMMISSION ON PROPRIETARY  
12 SCHOOLS

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

18       Sec. 11.2. The President Pro Tempore of the Senate shall designate one  
19 Senator as cochairman and the Speaker of the House of Representatives shall designate  
20 one Representative as cochairman.

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

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

1 (13) The appropriateness and integrity of governance structures and  
2 processes; and

3 (14) An examination of other states' methods of regulation and licensing of  
4 proprietary schools.

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

10 Sec. 11.5. The Commission, while in the discharge of official duties, may  
11 exercise all the powers of a joint committee of the General Assembly provided for under  
12 the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The  
13 Commission may meet at any time upon the joint call of the cochairmen. With the  
14 approval of the Legislative Services Commission, the Legislative Study Commission on  
15 Proprietary Schools may meet in the Legislative Building or the Legislative Office  
16 Building.

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

20 Sec. 11.7. The Commission may contract for professional, clerical, or  
21 consultant services as provided by G.S. 120-32.02. The Legislative Services  
22 Commission, through the Legislative Administrative Officer, shall assign professional  
23 staff to assist in the work of the Commission. The House of Representatives' and the  
24 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the  
25 direction of the Legislative Services Commission. The expenses relating to clerical  
26 employees shall be borne by the Commission.

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

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

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

## 36 37 PART XII.—DEPOSITORY INSTITUTIONS STUDY COMMISSION

38 Sec. 12.1. The North Carolina Depository Institutions Study Commission is  
39 hereby created. The Commission shall consist of 18 members: five Senators appointed  
40 by the President Pro Tempore of the Senate; five Representatives appointed by the  
41 Speaker of the House; one representative of the North Carolina commercial banking  
42 industry appointed by the President Pro Tempore of the Senate; one representative of  
43 the North Carolina savings institution industry appointed by the Speaker of the House;  
44 one representative of the credit union industry appointed by the President Pro Tempore

1 of the Senate; one representative of the small and minority business community  
2 appointed by the Speaker of the House; and one representative of the low-income  
3 consumer community appointed by the President Pro Tempore of the Senate. The North  
4 Carolina Commissioner of Banks, the Administrators of the Savings and Loan and  
5 Credit Union Divisions of the North Carolina Department of Commerce shall serve as  
6 ex officio nonvoting members. All replacement appointments shall be filled in the same  
7 manner as initial appointments.

8         Sec. 12.2. 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. The cochairmen shall call the initial meeting of the  
11 Commission.

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

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

31         Sec. 12.4. The Commission may submit an interim report to the General  
32 Assembly on or before the convening of its 1990 Session, and shall submit a final report  
33 of its findings and recommendations to the General Assembly on or before the first day  
34 of the 1991 Session of the General Assembly by the filing of a report with the President  
35 Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon  
36 filing its final report, the Commission shall terminate. The report of the Commission  
37 shall summarize the information obtained in the course of its inquiry, set forth any  
38 findings and conclusions, and recommend such administrative actions or legislative  
39 actions that may be necessary. If legislation is recommended, the Commission shall  
40 prepare and submit with its report or reports appropriate bills.

41         Sec. 12.5. Upon approval of the Legislative Services Commission, the  
42 Legislative Services Officer shall assign professional and clerical staff to assist in the  
43 work of the Commission. Clerical staff shall be furnished to the Commission through  
44 the Offices of House and Senate Supervisors of Clerks. The expenses of employment of

1 the clerical staff shall be borne by the Commission. The Commission may meet in the  
2 Legislative Building or the Legislative Office Building upon the approval of the  
3 Legislative Services Commission. The Commission may also, subject to the provisions  
4 of G.S. 120-32.02(b), enter into contracts for the provision of technical assistance it  
5 finds necessary for the performance of its responsibilities under this Part.

6       Sec. 12.6. Members of the Commission who are also members of the General  
7 Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-  
8 3.1. Members of the Commission who are officials or employees of the State shall  
9 receive travel allowances at the rate set forth in G.S. 138-6. All other members of the  
10 Commission shall be paid the per diem and allowance at the rate set forth in G.S. 138-5.

11       Sec. 12.7. There is transferred from the funds appropriated to the Banking  
12 Commission for the 1989-1990 fiscal year to the Legislative Services Commission for  
13 the Depository Institutions Study Commission \$25,000 for fiscal year 1989-90. The  
14 Legislative Services Commission may allocate to the Commission additional funds  
15 necessary to enable the Commission to complete its study.

#### 16 17 PART XIII.—ENERGY ASSURANCE STUDY COMMISSION

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

34       (b) The members of the Commission shall be appointed by September 1, 1989,  
35 and shall serve until termination of the Commission. If a vacancy occurs in the  
36 membership of the Commission, it shall be filled by the officer who appointed the  
37 member who is to be replaced. The President Pro Tempore of the Senate and the  
38 Speaker of the House of Representatives shall each appoint a cochair from among the  
39 membership of the Commission, but no ex officio member of the Commission may  
40 serve as a cochair.

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



- 1 (1) Aid low-income people in maintaining reasonable and safe levels of  
2 heat in their homes;
- 3 (2) Reduce the number of involuntary terminations of energy to low-  
4 income households in the State; and
- 5 (3) Direct federal, State, local, and private efforts in weatherizing homes  
6 to those which have the most significant needs.
- 7 (b) In investigating the feasibility of such a plan, the Commission shall:
  - 8 (1) Document, to the extent possible, the scope of current problems facing  
9 low-income people in dealing with their energy burdens;
  - 10 (2) Determine, through a study of the administration of the Low Income  
11 Energy Assistance Program funds in North Carolina, a method by  
12 which these funds could be better targeted to address the energy needs  
13 of low-income people;
  - 14 (3) Determine the cost of establishing an Energy Assurance Plan in North  
15 Carolina;
  - 16 (4) Investigate sources of revenue to fund an Energy Assurance Plan; and
  - 17 (5) Recommend an Energy Assurance Plan that will accomplish the stated  
18 objectives through the use of existing federal, State, local, and private  
19 funds or alternative sources of revenue.

20 (c) The Commission may obtain information and data from all State officers,  
21 agents, agencies, and departments while in the discharge of its duties pursuant to the  
22 provisions of G.S. 120-19 as if it were a committee of the General Assembly. The  
23 Commission may also call witnesses, compel testimony relevant to any matter properly  
24 before the Commission, and subpoena records and documents, provided that any client  
25 record shall have client identifying information removed. The provisions of G.S. 120-  
26 19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it  
27 were a joint committee of the General Assembly. In addition to the other signatures  
28 required for the issuance of a subpoena under this section, the subpoena shall also be  
29 signed by a cochair of the Commission. Any cost of providing information to the  
30 Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission from  
31 funds appropriated for the Commission's use.

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

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

1           Sec. 13.5. Upon approval of the Legislative Services Commission, the  
2 Legislative Services Officer shall assign professional and clerical staff to assist in the  
3 work of the Commission. Clerical staff shall be furnished to the Commission through  
4 the Offices of House and Senate Supervisors of Clerks. The expenses of employment of  
5 the clerical staff shall be borne by the Commission. The Commission may meet in the  
6 Legislative Building or the Legislative Office Building upon the approval of the  
7 Legislative Services Commission. The Energy Assurance Commission, subject to the  
8 provisions of G.S. 120-32.02(b), may enter into contracts for the provision of technical  
9 assistance, statistical analysis, evaluation of pilot projects, and other services it finds  
10 necessary for the performance of its responsibilities under this Part.

11           Sec. 13.6. Members of the Commission who are also members of the General  
12 Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-  
13 3.1. Members of the Commission who are officials or employees of the State shall  
14 receive travel allowances at the rate set forth in G.S. 138-6. All other members of the  
15 Commission shall be paid the per diem and allowances set forth in G.S. 138-5.

16           Sec. 13.7. Funds specifically appropriated to the Department of Commerce to  
17 be allocated to the Energy Assurance Study Commission are hereby transferred to the  
18 General Assembly for the work of the Commission. Only funds specifically  
19 appropriated to the Department of Commerce for the Energy Assurance Study  
20 Commission may be expended for the work of the Commission. Unexpended funds  
21 shall revert to the Special Reserve for Oil Overcharge Funds.

#### 22 23 PART XIV.—HOMELESS PERSONS STUDY COMMISSION

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

40           Sec. 14.2. The President Pro Tempore of the Senate shall designate one  
41 Senator as cochairman and the Speaker of the House of Representatives shall designate  
42 one Representative as cochairman.

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

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

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

38 Sec. 14.5. The Commission, while in the discharge of official duties, may  
39 exercise all the powers of a joint committee of the General Assembly provided for under  
40 the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The  
41 Commission may meet at any time upon the joint call of the cochairmen. The  
42 Commission may meet in the Legislative Building or the Legislative Office Building,  
43 with the approval of the Legislative Services Commission.

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

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

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

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

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

20  
21 PART XV.—MEDICAL MALPRACTICE CLAIMS ARBITRATION STUDY  
22 COMMISSION

23           Sec. 15.1. The Medical Malpractice Arbitration Study Commission is hereby  
24 created. The Commission shall consist of 13 members who shall be appointed as  
25 follows:

- 26           (1) Five members appointed by the Speaker of the House of  
27 Representatives as follows:  
28           a. Three persons who are members of the House of  
29 Representatives at the time of their appointment, one of whom  
30 shall be a licensed attorney regularly representing plaintiffs or a  
31 member of a firm that regularly represents plaintiffs, and one of  
32 whom shall be a licensed attorney regularly representing  
33 defendants or a member of a firm that regularly represents  
34 defendants;  
35           b. One physician licensed to practice medicine in North Carolina;  
36 and  
37           c. One at-large member representing the general public;
- 38           (2) Five members appointed by the President Pro Tempore of the Senate  
39 as follows:  
40           a. Three persons who are members of the Senate at the time of  
41 their appointment, one of whom shall be a licensed attorney  
42 regularly representing plaintiffs or a member of a firm which  
43 regularly represents plaintiffs, and one of whom shall be a

- 1 licensed attorney regularly representing defendants or a member  
2 of a firm which regularly represents defendants;  
3 b. One physician licensed to practice medicine in North Carolina;  
4 and  
5 c. One at-large member representing the general public;  
6 (3) The Chief Justice of North Carolina or his designee;  
7 (4) The Chief Judge of the North Carolina Court of Appeals or his  
8 designee; and  
9 (5) The President of the North Carolina Bar Association or his designee.

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

13 Sec. 15.2. The President Pro Tempore of the Senate shall designate one  
14 Senator as cochairman, and the Speaker of the House of Representatives shall designate  
15 one member of the House of Representatives as cochairman.

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

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

36 Sec. 15.5. The Commission, while in the discharge of official duties, may  
37 exercise all the powers of a joint committee of the General Assembly provided for under  
38 the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The  
39 Commission may meet at any time upon the joint call of the cochairmen. The  
40 Commission, with the approval of the Legislative Services Commission, may meet in  
41 the Legislative Building or the Legislative Office Building.

42 Sec. 15.6. The Commission may contract for professional, clerical, or  
43 consultant services as provided by G.S. 120-32.02. The Legislative Services  
44 Commission, through the Legislative Administrative Officer, may assign professional

1 staff to assist in the work of the Commission. The House of Representatives' and the  
2 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the  
3 direction of the Legislative Services Commission. The expenses relating to clerical  
4 employees shall be borne by the Commission.

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

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

16       Sec. 15.9. There is allocated from the funds appropriated to the Legislative  
17 Services Commission from the reserve for studies to the Commission created by this  
18 Part for its work the sum of \$25,000 for the 1989-1990 fiscal year and the sum of  
19 \$25,000 for the 1990-1991 fiscal year.

20  
21 **PART XVI.—PERSONNEL SYSTEM STUDY**

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

28  
29 **PART XVII.—HEALTH CARE LICENSING STUDY**

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

37  
38 **PART XVIII.—MEDICAID RESOURCES LIMIT STUDY**

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

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

5  
6 PART XIX.—INMATE WORK EFFICIENCY STUDY

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

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

15  
16 PART XX.—SUBSTANCE ABUSE TREATMENT IN PRISONS STUDY

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

- 19 (1) The extent to which appropriate treatment and counseling programs  
20 exist within our prison system;
- 21 (2) The extent to which appropriate treatment programs and facilities exist  
22 outside the prison system (residential and nonresidential, for adults and  
23 adolescents);
- 24 (3) How much in additional fiscal resources would be necessary in order  
25 to have adequate programs and facilities inside and outside the State  
26 prison system;
- 27 (4) The impact – fiscal and otherwise – of requiring a person convicted of  
28 a criminal offense (felony or misdemeanor) to be evaluated to  
29 determine whether he or she is a drug abuser, if:
  - 30 a. The offense is one in which drugs were involved; or
  - 31 b. Information is presented, during investigation, prosecution or  
32 sentencing that would suggest the defendant is a drug abuser;
- 33 (5) The impact, fiscal and otherwise, of requiring a person convicted as  
34 described in subdivision (4) of this section – if he or she receives an  
35 active sentence in our State system, or is placed on probation under the  
36 jurisdiction of the State system, and if it is determined through the  
37 evaluation that he is a drug abuser – to be subject to the following  
38 conditions:
  - 39 a. While incarcerated (and continuing for a period of time  
40 following release, if appropriate), he or she must receive  
41 appropriate treatment and counseling; or
  - 42 b. If there is no active sentence, he or she shall be required to  
43 receive appropriate treatment and counseling as a condition of  
44 probation;

1 (6) Whether conditions set out in subdivision (5) of this section would  
2 significantly increase the likelihood that the person will become and  
3 remain free of drug abuse; and

4 (7) Other related factors and matters.

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

9  
10 PART XXI.—GUARDIANSHIP STUDY

11 Sec. 21.1. The Juvenile Laws Study Commission shall:

- 12 (1) Study the possibility of abolishing the jurisdiction of the clerk of  
13 superior court to appoint guardians of the person for orphaned minors;  
14 (2) Clarify the relationship between the clerk's guardianship jurisdiction  
15 and the district court's custody and juvenile jurisdiction;  
16 (3) Examine the meaning of and the distinction between "custody" and  
17 "guardianship of the person" of a minor; and  
18 (4) Study any other issue regarding guardianship that the Commission  
19 deems pertinent.

20 The Commission shall submit a final report of its findings and  
21 recommendations to the 1989 General Assembly (1990 Regular Session) on or before  
22 the first day of the session, by filing the report with the Speaker of the House of  
23 Representatives and President Pro Tempore of the Senate. The Juvenile Laws Study  
24 Commission shall conduct this study within the funds already appropriated to it.

25  
26 PART XXII.—STATE EMPLOYEE MOVING EXPENSE STUDY

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

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

35  
36 PART XXIII.—ELIZABETH II CULTURAL ACTIVITIES FACILITY

37 Sec. 23.1. There is appropriated from the General Fund to the Department of  
38 Cultural Resources, Division of Archives and History, the sum of \$20,000 for the 1990-  
39 1991 fiscal year for a planning and feasibility study for a cultural activities facility on  
40 the Elizabeth II State Historic Site as part of the State Historic Site. The Department of  
41 Cultural Resources shall report its findings to the Joint Legislative Commission on  
42 Governmental Operations by April 1, 1991.

43  
44 PART XXIV.—EFFECTIVE DATE



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