

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 802  
SENATE BILL 231

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.

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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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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 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) State Ports—study continued (S.J.R. 96 - Barker, H.B. 133 - Hall), Lease and Renegotiation of Contracts of the North Carolina Railroad Company and the Atlantic and North Carolina Railroad Company,
- (2) Development of a State Strategy for the Management of Solid Waste (S.J.R. 112 - Speed, S.B. 1214 - Basnight) and Infectious Wastes (H.B. 1045 - Diggs),
- (3) Worker Training Trust Fund (S.B. 271 - Parnell),
- (4) Tourism's Growth and Effect—study continued (S.B. 297 - Block, H.B. 379 - Warren) and Travel/Tourism Reorganization (H.B. 1132 - Perdue),
- (5) Deregulation of Revolving Credit and Authorization of Credit Card Banks (S.B. 377 - Staton) and Linked Deposits (H.B. 1910 - Locks),
- (6) Administrative Procedure Act's Rule-Making Process (S.B. 535 - Johnson) and Office of Administrative Hearings and the Administrative Rules Review Commission (S.J.R. 1003 -Martin of Guilford, H.B. 1459 - Michaux),
- (7) "Willie M." Programs (S.J.R. 887 - Block),
- (8) State Procurement Contracts to Minority Business Enterprises (S.B. 927 - Hunt of Durham) and Small Business Technical Assistance Programs (H.J.R. 1514 - Colton),
- (9) Consumer Protection Issues, including those relating to the Elderly (S.B. 1261 - Barker),
- (10) State Marine Patrol (S.B. 1267 - Barker),
- (11) Sports Fishing Licenses (S.B. 1284 - Barker),
- (12) Revenue Laws—study continued, including the impact of 1989 tax law changes (H.J.R. 3 - Lilley) and Local Revenue Sources Options (S.B. 1298 - Odom),

- (13) Care Provided by Rest Homes, Intermediate Care Facilities, and Skilled Nursing Homes—study continued (H.J.R. 173 - Easterling), Necessity for Certificates of Need, and Continuing Care Issues,
- (14) Health Care/Insurance Costs Issues, including but not limited to, Availability, Benefits, Costs, Portability, Long-Term Care Insurance (H.B. 202 - Wiser), Health Insurance Costs (H.B. 961 - Perdue, S.B. 1068 - Johnson, Joe), Health Insurance (H.J.R. 1159 - Duncan), Infertility Treatment Coverage (H.B. 1187 - Payne), Mammogram/Pap Smear Coverage (H.B. 1014 - Barnes), and Health Care Insurance Coverage (H.B. 1242 - Mills),
- (15) Development of a State Strategy for the Protection of All Groundwater Resources (H.J.R. 554 - DeVane, S.J.R. 367 - Winner),
- (16) Surface Water Quality and Resources Issues, Including Interbasin Transfer, Albemarle-Pamlico Estuarine (H.J.R. 33 - Ethridge, B.), Coastal Water Quality – study continued (H.J.R. 37 - Ethridge, B.), Haw in Scenic River System (H.B. 1224 - Hackney), Pesticides (H.J.R. 1399 - Holt), Water Resources Planning (H.B. 1945 - Payne), Toxaway River (H.B. 1955 - Colton), and Yadkin River Use and Protection (S.B. 1182 - Kaplan),
- (17) Insanity Verdict (H.B. 1364 - Rhodes), and Guilty but Insane Verdict (H.B. 1372 - Sizemore),
- (18) Agriculture Study (H.B. 1362 - Brown), Agribusiness Plant Variances (H.B. 1304 - Bowman), Fallow Deer (H.J.R. 1924 - James),
- (19) Homeless Persons (H.B. 2018 - Greenwood, S.B. 1290 - Martin of Guilford),
- (20) State Information Processing Needs and Cost – study continued (S.B. 47 - Royall),
- (21) Sports Fishing Licenses (S.B. 1284 - Barker),
- (22) Proprietary Schools (S.B. 854 - Martin, W.),
- (23) Public Employees' Day Care and Medical and Dental Benefits.

Sec. 2.2. Legislative Activity Between Legislative Sessions and Procedures to Shorten the Legislative Session. The Legislative Research Commission may study the procedures of this State's, other states' and other legislative bodies' practices and procedures regulating legislative and study activity and may make recommendations as to changes in law, procedures and rules that will lead to greater efficiency in the legislative process while safeguarding the rights of all members of the General Assembly and of the citizens in this State's legislative process.

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

- (1) Inventory of State capital assets and the use of those assets,
- (2) Issue of preventive maintenance for State buildings, and
- (3) Need and feasibility of:
  - a. Establishing in the State budget a reserve for repairs and renovations and the administration of such a reserve, and

b. Charging rent to State agencies using State buildings.

Sec. 2.4. 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. 2.5. 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 1990 Session of the 1989 General Assembly or the 1991 General Assembly, or both.

Sec. 2.6. 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. 2.7. 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.—STATE PARKS STUDY COMMISSION

Sec. 3.1. There is created a Study Commission on State Parks and Recreation Areas to be composed of nine members, with three Senators to be appointed by the President Pro Tempore of the Senate, three Representatives appointed by the Speaker of the House, and three public members to be appointed by the Governor. Appointments to the Study Commission shall be made within 30 days subsequent to the adjournment of the General Assembly in 1989. The President Pro Tempore of the Senate and the Speaker of the House shall each designate a cochairman from their appointees. Either cochairman may call the first meeting of the Study Commission.

Sec. 3.2. The Study Commission is authorized:

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

Sec. 3.3. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The cochairmen may assign and direct the activities of the employees, subject to the advice of the Study Commission. The Department of Environment, Health, and Natural Resources and any other departments, boards, or

associations shall assist the Study Commission and furnish any information or expertise requested.

Sec. 3.4. The Study Commission may file an interim report to the General Assembly on or before the convening of the 1990 Session and shall file a final written report of its findings and recommendations with the presiding officer of the House of Representatives and the Senate on or before the convening of the 1991 Session of the General Assembly. The Study Commission shall terminate upon the filing of the final report.

Sec. 3.5. 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.

Sec. 3.6. There is allocated from the funds appropriated to the General Assembly to the State Parks Study Commission for its work the sum of \$20,000 for the 1989-90 fiscal year and the sum of \$20,000 for the 1990-91 fiscal year.

#### PART IV.—PUBLIC HEALTH STUDY COMMISSION

Sec. 4.1. There is established the Public Health Study Commission, an independent commission, to study public health services in North Carolina and to recommend improvements that will assure that North Carolina has cost-effective, uniform and consistently administered public health services.

Sec. 4.2. The Commission shall consist of 21 members. The Speaker of the House of Representatives shall appoint seven members, a minimum of four of whom shall be members of the House of Representatives. The President Pro Tempore of the Senate shall appoint seven members, a minimum of four of whom shall be members of the Senate. The Governor shall appoint seven non-legislative members, as follows: one of whom shall be a recipient of public health services, one of whom shall be a public health director, one of whom shall be a county commissioner, one of whom shall be an advocate for low-income people who is familiar with public health services in North Carolina, one of whom shall be the Secretary of the Department of Environment, Health, and Natural Resources or a designee thereof, one of whom shall be a physician licensed to practice medicine under Chapter 90 of the General Statutes, and one of whom shall be an individual involved in the administration or funding of public health services.

Initial appointments shall be made within 30 days following adjournment of the 1989 Session of the General Assembly. Vacancies shall be filled by the official who made the initial appointment using the same criteria as provided by this section.

Sec. 4.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Commission from their appointees. The cochairs shall call the first meeting and preside at alternate meetings.

Sec. 4.4. The Public Health Study Commission shall examine the need for improvement in the statewide public health delivery system through local communities and the need for additional legislation to deal with Acquired Immune Deficiency Syndrome – AIDS within this State, and shall develop legislation to address those

needs. If legislation is enacted directing the Department of Environment, Health and Natural Resources to develop a Public Health Services Plan, the Department may provide status reports on the development of the Plan to the Commission. Upon completion of the Plan, the Department shall submit the Plan to the Commission for the Commission's review.

Sec. 4.5. Commission members shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, and 138-6, as applicable.

Sec. 4.6. The Commission may solicit, employ, or contract for professional, technical, or clerical assistance, and may purchase or contract for the materials and services it needs. Subject to the approval of the Legislative Services Commission, the professional and clerical staff of the Legislative Services Office shall be available to the Commission, and the Commission may meet in the Legislative Building or the Legislative Office Building. With the consent of the Secretary of the Department of Environment, Health, and Natural Resources, staff employed by the Department or any of its divisions may be assigned permanently or temporarily to assist the Commission or its staff.

Sec. 4.7. Upon request of the Commission or its staff, all State departments and agencies and all local government agencies shall furnish the Commission or its staff with any information in their possession or available to them.

Sec. 4.8. The Commission shall submit a final written report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate before or upon the convening of the 1991 Session of the General Assembly. The Commission shall terminate upon the filing of the report.

Sec. 4.9. There is allocated from the funds appropriated to the General Assembly \$25,000 for fiscal year 1989-90 and \$25,000 for the 1990-91 fiscal year to fund the work of the Commission created by this Part.

#### PART V.—EDUCATION STUDY COMMISSION

Sec. 5.1. There is established the Education Study Commission. The Commission shall be composed of 20 members, as follows:

- (1) The Superintendent of Public Instruction, or his designee;
- (2) The Chairman of the State Board of Education, or his designee;
- (3) The President of the Community College System, or his designee;
- (4) The President of The University of North Carolina, or his designee;
- (5) Five members appointed by the Governor, two of whom shall be local school board members;
- (6) Five members appointed by the President Pro Tempore of the Senate, two of whom shall be classroom teachers;
- (7) Five members appointed by the Speaker of the House of Representatives, two of whom shall be classroom teachers; and
- (8) One representative of business and industry appointed by the Governor.

Sec. 5.2. The President Pro Tempore of the Senate shall designate one of his appointees as cochairman and the Speaker of the House of Representatives shall designate one of his appointees as cochairman.

Sec. 5.3. When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the same appointing officer who made the initial appointment. All initial appointments shall be made within one calendar month from the effective date of this act. The Commission shall have its initial meeting no later than October 1, 1989.

Sec. 5.4. The Commission shall:

- (1) Consider ways the systems could work together to reduce the amount of remediation that is done in the community colleges and the universities;
- (2) Examine the salary schedules for the public schools;
- (3) Consider ways the community colleges could assist the public schools with the dropout problem;
- (4) Examine current cooperative programs among the systems and consider ways to enhance concurrent enrollment programs;
- (5) Consider ways to improve the joint use of facilities, equipment, and faculty;
- (6) Consider ways the systems could work jointly to increase the number of high school graduates who continue on to either system of higher education;
- (7) Consider ways to more closely articulate the curriculums, especially in the technical and vocational areas, of the public schools and the community colleges;
- (8) Recommend both short range and long range funding solutions for the issues it studies;
- (9) Study whether North Carolina could make better use of its buildings and equipment by:
  - a. Using the public school bus fleet for other education transportation needs such as community colleges; and
  - b. Using the school buildings during the summer months by extending the school year beyond the present nine-month term;
- (10) Study issues and matters identified in Senate Bill 751 – "State Educational Equity Grants" – of the 1989 Session;
- (11) Study other methods of focusing on issues related to students at risk of academic and social failure so as to significantly increase the likelihood that all North Carolina students will graduate from high school with academic and social skills that will enable them:
  - a. To be well-rounded productive citizens, and
  - b. To be adequately prepared to handle the increasingly complex tasks that will enable them to successfully pursue and complete higher levels of academic and/or vocational education;

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

Sec. 5.5. The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before the first day of the 1991 Session of the General Assembly by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

Sec. 5.6. The Commission may meet at any time upon the joint call of the cochairmen. The Commission, with the approval of the Legislative Services Commission, may meet in the Legislative Building or the Legislative Office Building.

Sec. 5.7. Members of the Commission who are legislators shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138-6. Other members of the Commission shall be paid per diem and allowances at the rates set forth in G.S. 138-5.

Sec. 5.8. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisor of Clerks shall assign clerical staff to the Commission upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Commission.

Sec. 5.9. All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

Sec. 5.10. There is allocated from the funds appropriated to the General Assembly to the Education Study Commission \$50,000 for the 1989-90 fiscal year, and \$25,000 for the 1990-91 fiscal year.

## PART VI.—ENERGY ASSURANCE STUDY COMMISSION

Sec. 6.1. (a) The North Carolina Energy Assurance Study Commission is created. The Commission shall consist of 19 members. The Chairman of the Utilities Commission, the Director of the Public Staff of the Utilities Commission, the Director of the N.C. Rural Electrification Authority, the Secretary of the Department of Human Resources, and the Director of the Energy Division of the Department of Economic and Community Development shall serve ex officio. The President Pro Tempore of the Senate shall appoint seven members as follows: two members of the Senate, one representative from the electric utility industry regulated by the Utilities Commission, one representative from an electric membership corporation in North Carolina, one representative of the unregulated fuels industry, one representative of a private agency that delivers energy assistance benefits to low-income people, and one low-income utilities consumer advocate. The Speaker of the House of Representatives shall appoint seven members as follows: two members of the House of Representatives, one representative from ElectriCities of North Carolina, one director of a county department of social services, one representative of the natural gas industry regulated by the Utilities Commission, one representative of the Community Action Program agencies, and one low-income person.

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

Sec. 6.2. (a) The Commission shall investigate the feasibility of establishing an Energy Assurance Plan in North Carolina to accomplish the following objectives:

- (1) Aid low-income people in maintaining reasonable and safe levels of heat in their homes;
  - (2) Reduce the number of involuntary terminations of energy to low-income households in the State; and
  - (3) Direct federal, State, local, and private efforts in weatherizing homes to those which have the most significant needs.
- (b) In investigating the feasibility of such a plan, the Commission shall:
- (1) Document, to the extent possible, the scope of current problems facing low-income people in dealing with their energy burdens;
  - (2) Determine, through a study of the administration of the Low Income Energy Assistance Program funds in North Carolina, a method by which these funds could be better targeted to address the energy needs of low-income people;
  - (3) Determine the cost of establishing an Energy Assurance Plan in North Carolina;
  - (4) Investigate sources of revenue to fund an Energy Assurance Plan; and

- (5) Recommend an Energy Assurance Plan that will accomplish the stated objectives through the use of existing federal, State, local, and private funds or alternative sources of revenue.

Sec. 6.3. The initial meeting of the Commission shall be called by the cochairs. Subsequent meetings shall be held upon the call of a cochair or upon the written request of five members.

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, 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.

Sec. 6.5. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Energy Assurance Commission, subject to the provisions of G.S. 120-32.02(b), may enter into contracts for the provision of technical assistance, statistical analysis, evaluation of pilot projects, and other services it finds necessary for the performance of its responsibilities under this Part.

Sec. 6.6. Members of the Commission who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138-6. All other members of the Commission shall be paid the per diem and allowances set forth in G.S. 138-5.

Sec. 6.7. There is allocated from the funds appropriated to the General Assembly to the Commission created by this Part the sum of \$10,000 for the 1989-90 fiscal year to prepare and submit a plan of study to obtain the requisite federal approval for the spending of monies specifically appropriated for the work of the Energy Assurance Study Commission. Funds specifically appropriated to the Department of Economic and Community Development to be allocated to the Energy Assurance Study Commission are hereby transferred to the General Assembly for the work of the Commission. Notwithstanding any other provision of law and except for the specific transfer from the reserve for studies contained in this section, only funds specifically appropriated to the Department of Economic and Community Development for the Energy Assurance Study Commission may be expended for the work of the Commission. Unexpended funds shall revert to the Special Reserve for Oil Overcharge Funds.

## PART VII.—MENTAL HEALTH STUDY COMMISSION

Sec. 7.1. The Mental Health Study Commission, established and structured by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; and Chapter 873, 1987 Session Laws; is revived and authorized to continue in existence until July 1, 1991.

Sec. 7.2. Section 2 of Resolution 80, Session Laws of 1973, as amended by Chapter 806, Session Laws of 1973, Section 2 of Chapter 184, Session Laws of 1977, and as rewritten by Section 10.1 of Chapter 792 of the 1985 Session Laws, reads as rewritten:

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

Sec. 7.3. The first sentence of Section 3 of Resolution 80, Session Laws of 1973, as the same was rewritten by Section 10.2 of Chapter 792 of the 1985 Session Laws and is contained therein, is rewritten to read:

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

Sec. 7.4. The continued Mental Health Study Commission shall have all the powers and duties of the original Study Commission as are necessary to continue the original study, to assist in the implementation of the original and succeeding Study Commission recommendations and to plan further activity on the subject of the study.

Sec. 7.5. Members and staff of the continued Mental Health Study Commission shall receive compensation and expenses as under the original authorization in the 1973 General Assembly Resolution 80. Expenses of the Commission shall be expended by the Department of Human Resources from Budget Code 14460 subhead 1110.

Sec. 7.6. In addition to other studies authorized by law, the Mental Health Study Commission shall:

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

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

Sec. 7.7. There is transferred from the Legislative Services Commission reserve for studies to the Department of Human Resources for the 1989-90 fiscal year \$20,000 for the use of the Commission in the study of insurance coverage for mental illness and chemical dependency.

**PART VIII.—MEDICAL MALPRACTICE CLAIMS ARBITRATION STUDY COMMISSION**

Sec. 8.1. The Medical Malpractice Arbitration Study Commission is hereby created. The Commission shall consist of 13 members who shall be appointed as follows:

- (1) Five members appointed by the Speaker of the House of Representatives as follows:
  - a. Three persons who are members of the House of Representatives at the time of their appointment, one of whom shall be a licensed attorney regularly representing plaintiffs or a member of a firm that regularly represents plaintiffs, and one of whom shall be a licensed attorney regularly representing defendants or a member of a firm that regularly represents defendants;
  - b. One physician licensed to practice medicine in North Carolina; and
  - c. One at-large member representing the general public;
- (2) Five members appointed by the President Pro Tempore of the Senate as follows:
  - a. Three persons who are members of the Senate at the time of their appointment, one of whom shall be a licensed attorney regularly representing plaintiffs or a member of a firm which regularly represents plaintiffs, and one of whom shall be a licensed attorney regularly representing defendants or a member of a firm which regularly represents defendants;
  - b. One physician licensed to practice medicine in North Carolina; and
  - c. One at-large member representing the general public;
- (3) The Chief Justice of the Supreme Court of North Carolina or his designee;
- (4) The Chief Judge of the North Carolina Court of Appeals or his designee; and

(5) The Attorney General of North Carolina or his designee.

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

Sec. 8.2. The President Pro Tempore of the Senate shall designate one Senator as cochairman, and the Speaker of the House of Representatives shall designate one member of the House of Representatives as cochairman. The cochairmen shall jointly call the first meeting.

Sec. 8.3. The Commission shall study the use of court-annexed arbitration in medical malpractice actions, as described in G.S. 90-21.12, and as a part of its study, the Commission may also consider studies by the American Medical Association, the North Carolina Bar Association Dispute Resolution Committee, and the Duke University Private Adjudication Center, regarding alternate forms of dispute resolution in mediation, conciliation, and other forms of alternate dispute resolution, which might lead to a more expeditious and more economical determination of issues arising in a medical malpractice action than the present system of discovery and jury trial, which has been found to be very time consuming and expensive. The Commission is specifically empowered to study arbitration and other alternate dispute resolution forms which have been implemented or are being considered for implementation in other states of the United States.

Sec. 8.4. The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before the first day of the 1991 Session of the General Assembly by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The Commission may, but is not required to, file its report on or before the first day of the 1990 Budget Session of the 1989 General Assembly, if it can complete its work and adopt a report requiring filing on or before such date. Upon filing its final report, the Commission shall terminate.

Sec. 8.5. The Commission may meet at any time upon the joint call of the cochairmen. The Commission, with the approval of the Legislative Services Commission, may meet in the Legislative Building or the Legislative Office Building.

Sec. 8.6. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, may assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Commission.

Sec. 8.7. All State departments and agencies shall furnish the Commission with any information in their possession or available to them.

Sec. 8.8. The Commission shall have all powers necessary or convenient to carry out the purposes and provisions of this act, including, but not limited to, the power to receive and accept grants or funds from any public or private agency for, or in the aid of, the purposes of this section, and to receive or accept contributions, from any source,

of money, or labor, to be held, used, and applied for the purposes of this act. Any grants or contributions received shall be held by the Legislative Services Commission and these monies received shall be used prior to the use of any available State funds. If grants or contributions are received thereafter, they shall be retained by the Legislative Services Commission in amount equal to State funds already expended.

Sec. 8.9. There is allocated from the funds appropriated to the General Assembly to the Commission created by this Part for its work the sum of \$25,000 for the 1989-90 fiscal year and the sum of \$25,000 for the 1990-91 fiscal year.

#### PART IX.—PROPERTY TAX STUDY COMMISSION

Sec. 9.1. There is established a Property Tax Study Commission. The Commission shall consist of 16 members who are legislators at the time of their appointment and six other members as provided below. The President Pro Tempore of the Senate shall appoint eight members of the Senate, and the Speaker of the House shall appoint eight members of the House of Representatives to serve on the Commission. To aid the Commission in its study of the property tax system, six additional members shall be appointed as follows: the Speaker of the House shall appoint three members, one of whom is a county commissioner, one a county tax official, and one a citizen representing the public at large; and the President Pro Tempore of the Senate shall appoint three members, one of whom is a county commissioner, one an elected municipal official, and one a citizen representing the public at large. All appointments shall be made in time for the Commission to begin its work by October 1, 1989. The Speaker and the President Pro Tempore of the Senate shall jointly call the first meeting to be held on a date no later than October 1, 1989.

Sec. 9.2. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate one of the legislative members appointed by them as cochairman. Original members appointed shall serve until the Commission makes its final report. Vacancies on the Commission shall be filled in the same manner as the original appointments were made.

Sec. 9.3. The Commission shall make a detailed and comprehensive study of the efficiency, effectiveness, and fairness of the property tax system in North Carolina. The Commission shall examine all classes of property comprising the property tax base; all exemptions, exclusions, and preferential classifications; and the valuation of public service company property to determine whether the property tax system is just and equitable in taxing the citizens of the State. The Commission shall review current procedures for listing and collecting taxes on personal and real property to determine how to increase the efficiency and equity of these procedures. The Commission shall examine the octennial revaluation system and evaluate the feasibility of any programs that would aid the counties in conducting more frequent revaluations.

Sec. 9.4. On or before March 1, 1991, the Commission shall submit a final written report of its recommendations to the General Assembly by filing the report with the Speaker of the House and the President of the Senate. If legislation is recommended, the Commission shall submit appropriate bills with its report. The Commission shall terminate upon filing its final report.

Sec. 9.5. The Commission shall consult with tax officials in State and local government. With the prior approval of the Legislative Services Commission, the Commission may obtain clerical and professional assistance from the Legislative Services Office. The Commission may also obtain assistance from the Department of Revenue.

Sec. 9.6. With the prior approval of the Legislative Services Commission, the Commission shall meet in the State Legislative Building or in the Legislative Office Building.

Sec. 9.7. Commission members who are legislators shall be paid subsistence and travel allowances at the rates established for members of the General Assembly in G.S. 120-3.1. Other Commission members shall be paid subsistence and travel allowances at the rates established in G.S. 138-5.

Sec. 9.8. The expenses of the Commission shall be paid from funds collected by the Department of Revenue under Article 7, Chapter 105 of the General Statutes. The funds expended shall be deducted as in G.S. 105-213(a) for the costs of administering the intangibles tax. Commission expenses shall be limited to a maximum of seventy-five thousand dollars (\$75,000).

#### PART X.—COMMISSION ON THE FAMILY

Sec. 10.1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

##### "ARTICLE 12G.

##### "Commission on the Family.

##### **"§ 120-70.70. Commission established.**

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

##### **"§ 120-70.71. Powers and duties.**

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

- (1) The feasibility of establishing model projects that would be located primarily in low-income, high dropout rate communities in North Carolina:
  - a. To teach adults in the family to read; and
  - b. To provide after school care for school-aged children using volunteers who could be retirees in the provision of services;
- (2) The fiscal impact of a cash stipend created by a tax deduction or by industry dollars to promote literacy or the obtainment of a General Education Development Degree for persons who are presently illiterate or outside the school system;

- (3) The need for day care for children and senior citizens, an increase in Aid to Families with Dependent Children payments and eligibility requirements, coordination of State law with federal welfare reform programs, in-home services for the elderly, additional funding for adult day care, and incentives for industries to develop day care programs;
- (4) The relationship between the decline of real income and the tax structure, college tax credits, the minimum wage, and welfare support systems;
- (5) The State's efforts in the areas of adolescent pregnancy and teaching about adolescent sexuality;
- (6) A comprehensive review of State and federal programs encouraging business and industry to provide adequate child care for their employees;
- (7) An analysis of what the State is currently doing to encourage North Carolina businesses and industry to provide adequate child care for their employees;
- (8) A survey of North Carolina employers that presently provide child care options for their employees and what types of options they provide;
- (9) A comprehensive study of the types of tax incentives and other incentives that would encourage North Carolina businesses—especially those that have 50 or more employees—to either provide on-site child care facilities or provide other child care options and the cost to the State of these tax incentives;
- (10) Recommendations of what the State could be doing to encourage North Carolina businesses to provide on-site child care facilities or other child care options for their employees;
- (11) Recommendations of a comprehensive policy for North Carolina to encourage businesses within the State to provide on-site child care facilities or other child care options for their employees; and
- (12) The concept of requiring coverage of child health supervision services in all health insurance policies sold or delivered within the State;
- (13) The issue of domestic violence; and
- (14) The problem of suicide among the youth of the State.

**"§ 120-70.72. Membership; cochairmen; vacancies.**

The Commission shall consist of 14 members, as follows:

- (1) The Secretary of Human Resources or his designee;
- (2) The Superintendent of Public Instruction or his designee;
- (3) Three members of the House of Representatives appointed by the Speaker of the House;
- (4) Three members of the Senate appointed by the President Pro Tempore of the Senate;
- (5) Two members at-large appointed by the Speaker of the House;

- (6) Two members at-large appointed by the President Pro Tempore of the Senate; and
- (7) Two members at-large appointed by the Governor.

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

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

**"§ 120-70.73. Compensation and expenses of members.**

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

**"§ 120-70.74. Additional powers.**

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

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

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

**"§ 120-70.75. Staffing.**

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

Sec. 10.2. There is allocated from the funds appropriated to the General Assembly to the Commission on the Family for its work the sum of \$25,000 for the 1989-90 fiscal year and the sum of \$25,000 for the 1990-91 fiscal year.

Sec. 10.3. Article 12B of Chapter 120 of the General Statutes is repealed. Funds appropriated to the Commission on Children and Youth are transferred to the Commission on the Family.

PART XI.—STATE INFRASTRUCTURE AND LOCAL GOVERNMENT NEEDS  
STUDY COMMISSION

Sec. 11.1. The State Infrastructure Needs and Financing Study Commission is created. The Commission shall:

- (1) Undertake a comprehensive review and analysis of the impact upon community service facilities of any new development, construction, or installation that requires any permit, certification, or other governmental or quasi-governmental action allowing real property development and that generates or tends to generate the need for new, expanded, or improved community service facilities. For purposes of this study, the term "community service facilities" means public facilities or improvements provided or established by a local government, including those provided or established by a local government jointly with other units of government or government agencies, whether local, State, or federal. The term includes utility facilities, transportation facilities, parks and recreation facilities, drainage and water quality facilities, streets and sidewalks, open spaces, emergency and public safety facilities, sewer treatment facilities, and waste disposal facilities, but does not include public educational facilities such as schools, technical institutions, community colleges, and similar facilities;
- (2) Undertake a comprehensive review and analysis of the various methods by which local governments both within North Carolina and within other states, as deemed appropriate by the Commission, fund the costs of expanded, new, or improved community service facilities;
- (3) Determine the most equitable and appropriate means for local governments to obtain funds to provide the new, expanded, or improved community service facilities needed because of the real property development described in subdivision (1). The Commission shall, in making this determination, consider and analyze all practical, legal funding means which are, or which constitutionally could be, available to local governments;
- (4) Study State financial support of local government functions, including the following:
  - a. A review of the extent to which the State provides financial support to or for the benefit of local governments;
  - b. A review of the history of State policies that have influenced the State's support of local governments;
  - c. Identification of local functions that should be subsidized by the State and determination of the extent of State support that would be appropriate;
  - d. Recommendation of a viable, reasonable, and balanced State policy on State support of local government functions for the remainder of this century; and
  - e. Recommendations for further consideration by other commissions regarding sources of revenue and methods of

generating revenue to meet the State's obligations for State funding or joint State-local funding of local government functions;

- (5) Study the need for additional local government revenue sources to supplement the property tax, local sales and use taxes, and other existing revenue sources;
- (6) Review recent changes in federal and State law that have reduced financial assistance to local governments, created needs for increased expenditures, and restricted the property tax base;
- (7) Undertake a comprehensive review of State and local functional and funding responsibilities for services provided by State and local government units in North Carolina;
- (8) Make a comprehensive review of sources of funding local government units in North Carolina;
- (9) Study the system under which local units are dependent on the State for authorization of changes in local revenue sources;
- (10) Analyze the impact of federal legislation since 1981 and potential federal legislation on the fiscal outlook of the State and local government units;
- (11) Analyze the methods and formulas used in providing State financial assistance to local government units, including reimbursement for local tax changes;
- (12) Analyze the relationship between the State and local budget cycles;
- (13) Review the process by which local fiscal impact information is presented during the State budget process; and
- (14) Discuss the merits of establishing a permanent advisory commission comprised of State and local elected officials and private citizens that would continually review State and local fiscal relationships.

Sec. 11.2. The Commission shall consist of 20 members to be appointed as follows:

- (1) Five members of the Senate appointed by the President Pro Tempore of the Senate, one of whom shall be designated cochair;
- (2) Five public members appointed by the President Pro Tempore of the Senate, one of whom shall be an elected city government official, one of whom shall be from the land use planning department or agency of a city, and two of whom shall be persons who are involved with or have had extensive experience in land development;
- (3) Five members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated cochair; and
- (4) Five public members appointed by the Speaker of the House of Representatives, one of whom shall be an elected county government official, one of whom shall be from the land use planning department or agency of a county, and two of whom shall be persons who are

involved with or who have had extensive experience in land development.

Sec. 11.3. Members appointed to the Commission shall serve until the Commission makes its final report. Vacancies on the Commission shall be filled in the same manner as the original appointments were made.

Sec. 11.4. Upon request of the Commission or its staff, all State departments and agencies and all local government departments and agencies shall furnish to the Commission or its staff any information in their possession or available to them.

Sec. 11.5. The Commission may submit an interim report of its findings and recommendations and the status of its review and analyses to the General Assembly on or before the first day of the 1990 Regular Session of the 1989 General Assembly. The Commission shall submit the final report of its findings and recommendations to the General Assembly on or before January 15, 1991. All reports shall be submitted by filing the report with the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Commission shall terminate upon filing its final report.

Sec. 11.6. The Commission shall meet upon the call of the cochairs.

Sec. 11.7. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

Sec. 11.8. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

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

Sec. 11.9. There is allocated from the funds appropriated to the General Assembly to the State Infrastructure and Local Government Needs Study Commission for its work the sum of \$30,000 for the 1989-90 fiscal year and the sum of \$25,000 for the 1990-91 fiscal year.

## PART XII.—JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

Sec. 12.1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

### "ARTICLE 12F.

#### "Joint Legislative Commission on Seafood and Aquaculture.

#### **"§ 120-70.60. Committee established.**

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

term 'Commission' means the Joint Legislative Commission on Seafood and Aquaculture.

**"§ 120-70.61. Membership; cochairmen; vacancies; quorum.**

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

**"§ 120-70.62. Powers and duties.**

The Commission shall have the following powers and duties:

- (1) To monitor and study the current seafood industry in North Carolina including studies of the feasibility of increasing the State's production, processing, and marketing of seafood;
- (2) To study the potential for increasing the role of aquaculture in all regions of the State;
- (3) To evaluate the feasibility of creating a central permitting office for fishing and aquaculture matters;
- (4) To evaluate actions of the Marine Fisheries Division of the Department of Environment, Health, and Natural Resources, the Wildlife Resources Commission of the Department of Environment, Health, and Natural Resources and of any other board, commission, department, or agency of the State or local government as such actions relate to the seafood and aquaculture industries;
- (5) To make recommendations regarding regulatory matters relating to the seafood and aquaculture industries including, but not limited to:
  - a. Increasing the State's representation and decision-making ability by dividing the State between the Atlantic and South Atlantic regions of the National Division of Marine Fisheries;  
and
  - b. Evaluating the necessity to substantially increase penalties for trespass and theft of shellfish and other aquaculture products;
- (6) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting the seafood and aquaculture industries;
- (7) To review existing and proposed State law and rules affecting the seafood and aquaculture industries and to determine whether any modification of law or rules is in the public interest;

- (8) To make reports and recommendations, including draft legislation, to the General Assembly from time to time as to any matter relating to the powers and duties set out in this section; and
- (9) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, or the Joint Legislative Commission on Governmental Operations, and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate.

**"§ 120-70.63. Additional powers.**

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

**"§ 120-70.64. Compensation and expenses of members.**

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

**"§ 120-70.65. Staffing.**

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

**"§ 120-70.66. Funding.**

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

Sec. 12.2. There is allocated from the funds appropriated to the General Assembly to the Joint Legislative Commission on Seafood and Aquaculture for its work the sum of \$10,000 for the 1989-90 fiscal year and the sum of \$10,000 for the 1990-91 fiscal year.

**PART XIII.—SOCIAL SERVICES STUDY COMMISSION**

Sec. 13.1. There is established the Social Services Study Commission, an independent commission, to study public social services and public assistance in North Carolina and to recommend improvements that will assure that North Carolina has cost-

effective, consistently administered public social services and public assistance programs.

Sec. 13.2. The Commission shall consist of 17 voting and four nonvoting members. The Speaker of the House of Representatives shall appoint seven voting members, five of whom shall be House members, one of whom shall be a county commissioner, and one of whom shall be a low-income recipient of social services or public assistance benefits. The President Pro Tempore of the Senate shall appoint seven voting members, five of whom shall be Senators, one of whom shall be a county social services director, and one of whom shall be an advocate for low-income people who is familiar with social services and public assistance programs. The Governor shall appoint three voting members, one of whom shall be the Secretary of Human Resources or a designee, one of whom shall be an officer or director of a private social services agency, and one of whom shall be a business representative who is involved in a local Private Industry Council. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint two nonvoting members who shall be involved in the administration or funding of social services and public assistance programs. Initial appointments shall be made within 30 days following adjournment of the 1989 Session of the General Assembly. Vacancies shall be filled by the official who made the initial appointment using the same criteria as provided by this section.

Sec. 13.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Commission from their appointees. The cochairs shall call the first meeting and preside at alternate meetings.

Sec. 13.4. The Social Services Study Commission shall continue to examine the need for improvements in the State's social services system and develop legislation to address those needs. If legislation is enacted directing the Department of Human Resources to develop a Social Services Plan, the Commission may receive status reports on the development of the Plan; upon completion of the Plan, the Commission shall receive and review it. The Commission shall also monitor and review efforts within the Department of Human Resources to (i) plan for the efficient and timely implementation of federal welfare reform provisions, and (ii) simplify public assistance programs by reducing paperwork, developing a consolidated application process, or other means.

Sec. 13.5. The Commission members shall receive no salary for their services but shall receive subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

Sec. 13.6. The Commission may solicit, employ, or contract for professional, technical, or clerical assistance, and may purchase or contract for the materials or services it needs. Subject to the approval of the Legislative Services Commission, the professional and clerical staff of the Legislative Services Office shall be available to the Commission, and the Commission may meet in the Legislative Building or the Legislative Office Building. With the consent of the Secretary of the Department of Human Resources, staff employed by the Department or any of the divisions may be assigned permanently or temporarily to assist the Commission or its staff.

Sec. 13.7. Upon request of the Commission or its staff, all State departments and agencies and all local governmental agencies shall furnish the Commission or its staff with any information in their possession or available to them.

Sec. 13.8. The Commission shall submit a final written report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate before or upon the convening of the 1991 Session of the General Assembly. The Commission shall terminate upon the filing of the report.

Sec. 13.9. There is allocated from the funds appropriated to the General Assembly to the Social Services Study Commission for its work the sum of \$25,000 for the 1989-90 fiscal year and the sum of \$20,000 for the 1990-91 fiscal year.

#### PART XIV.—LEGISLATIVE AND JUDICIAL SALARY STUDY COMMISSION

Sec. 14.1. The Legislative and Judicial Salary Study Commission is created. The Commission shall consist of 15 members appointed by the Governor. No member or former member of the General Assembly or Justice or Judge or former Justice or Judge of the General Court of Justice may serve on the Commission.

Sec. 14.2. The Governor shall designate one member of the Commission as chairman.

Sec. 14.3. The Commission shall study the salaries of the members of the General Assembly and Justices and Judges of the General Court of Justice.

Sec. 14.4. The Commission shall submit a report of its findings and recommendations to the General Assembly on or before the first day the 1989 General Assembly (Regular Session 1990) by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its report, the Commission shall terminate.

Sec. 14.5. The Commission may meet at any time upon the call of the chairman. The Commission may meet, with the approval of the Legislative Services Commission, in the State Legislative Building or the Legislative Office Building.

Sec. 14.6. Members of the Commission shall receive per diem, subsistence and travel expenses as provided by law.

Sec. 14.7. The Commission may contract for professional, clerical, or consultant services. The Governor shall assign professional and clerical staff to assist in the work of the Commission.

Sec. 14.8. When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the Governor.

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

Sec. 14.10. There is transferred from the funds appropriated to the Legislative Services Commission for the reserve for studies to the Office of Governor for fiscal year 1989-90 the sum of \$20,000 for the expenses of the Commission.

#### PART XV.—DEPOSITORY INSTITUTIONS STUDY COMMISSION

Sec. 15.1. The North Carolina Depository Institutions Study Commission is hereby created. The Commission shall consist of 15 voting members and 3 nonvoting members: five Senators appointed by the President Pro Tempore of the Senate; five Representatives appointed by the Speaker of the House; one representative of the North Carolina commercial banking industry appointed by the President Pro Tempore of the Senate; one representative of the North Carolina savings institution industry appointed by the Speaker of the House; one representative of the credit union industry appointed by the President Pro Tempore of the Senate; one representative of the small and minority business community appointed by the Speaker of the House; and one representative of the low-income consumer community appointed by the President Pro Tempore of the Senate. The North Carolina Commissioner of Banks, the Administrators of the Savings and Loan and Credit Union Divisions of the North Carolina Department of Economic and Community Development shall serve as ex officio nonvoting members. All replacement appointments shall be filled in the same manner as initial appointments.

Sec. 15.2. The President Pro Tempore of the Senate shall designate one Senator as cochairman and the Speaker of the House of Representatives shall designate one Representative as cochairman. The cochairmen shall call the initial meeting of the Commission.

Sec. 15.3. The Commission shall study the impact of national developments within the depository institutions industry and what effect, if any, these developments will have upon North Carolina depository institutions. The scope of the study shall include, but not be limited to:

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

Sec. 15.4. The Commission may submit an interim report to the General Assembly on or before the convening of its 1990 Session, and shall submit a final report of its findings and recommendations to the General Assembly on or before the first day of the 1991 Session of the General Assembly by the filing of a report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate. The report of the Commission

shall summarize the information obtained in the course of its inquiry, set forth any findings and conclusions, and recommend such administrative actions or legislative actions that may be necessary. If legislation is recommended, the Commission shall prepare and submit with its report or reports appropriate bills.

Sec. 15.5. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission may also, subject to the provisions of G.S. 120-32.02(b), enter into contracts for the provision of technical assistance it finds necessary for the performance of its responsibilities under this Part.

Sec. 15.6. Members of the Commission who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138-6. All other members of the Commission shall be paid the per diem and allowance at the rate set forth in G.S. 138-5.

Sec. 15.7. There is transferred from the funds appropriated to the Banking Commission for the 1989-90 fiscal year to the Legislative Services Commission for the Depository Institutions Study Commission \$25,000. The Legislative Services Commission may allocate to the Commission additional funds necessary to enable the Commission to complete its study.

## PART XVI.—LEGISLATIVE STUDY COMMISSION ON WETLANDS PROTECTION

Sec. 16.1. The General Assembly recognizes that North Carolina's wetlands are a valuable and productive resource. Wetlands serve a number of functions which are vital to the public health, safety, and welfare. Wetlands (i) protect the drinking water supply by providing a natural filter for both surface water and groundwater resources; (ii) trap nutrients, sediments, and other pollutants capable of polluting downstream waters; (iii) reduce flood and storm damage, thereby preventing a loss of life and property; (iv) provide shoreline stabilization; (v) provide essential breeding, spawning, nesting and wintering habitat for fish and wildlife, including many species that are of commercial or recreational value; (vi) supplement surface water supplies during drought by gradually releasing stored floodwaters and groundwater; and (vii) serve as a source of timber production which is of great economic value to the State.

The General Assembly recognizes that there is an immediate need to study wetlands protection and to develop a legislative program for the management of activities in wetlands. The goals of the wetlands protection program shall be to preserve wetlands of significant ecological value; to protect and manage wetlands so as to prevent any net loss of their ecological functions; to preserve private property rights; and to simplify

and consolidate wetlands regulations. The long-term goal of the program shall be to increase the number and enhance the quality of wetlands in the State.

Sec. 16.2. There is created a Legislative Study Commission on Wetlands Protection. The Commission shall study the desirability and feasibility of State assumption and adaptation of the federal permitting program under Section 404 of the Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of 1977 (33 USC § 1344). The Commission may appoint a subcommittee of its members for purposes of this study. The Commission or subcommittee shall receive and acquire such information, including testimony, as is necessary to determine whether such assumption should be sought and, if so, what procedure should be followed to accomplish such assumption. Additionally, the Commission shall study the necessary elements of a statewide wetlands protection program and shall develop recommendations for legislation to establish a wetlands protection program that will be adequate to preserve wetlands of significant ecological value from unnecessary alteration; to protect and manage wetlands so as to prevent any net loss of the ecological function of wetlands; and to develop a program of economic incentives to encourage wetlands conservation. In developing its recommendations, the Commission shall study:

- (1) Classification and regulation of wetlands based on their relative resource values, value to the ecosystems and value for economic development;
- (2) Exemptions for agriculture, forestry, and mining activities;
- (3) Mitigation of wetlands losses and creation of a mitigation bank to accept donations of property and payments in lieu of actual mitigation;
- (4) Positive and negative impacts on wetlands of activities including, but not limited to, drainage, excavation, filling, development, and wildlife habitat improvements; and
- (5) Definition and identification of different types of wetlands.

In developing recommendations the Commission, and subcommittee if created, shall obtain and receive public comment on existing and desired wetlands regulation and incentives and protection policies.

Sec. 16.3. The Legislative Study Commission on Wetlands Protection shall consist of 15 members. The President Pro Tempore of the Senate shall appoint five members: three Senators, one landowner, and one commercial fisherman. The Speaker of the House shall appoint five members: three Representatives, one member associated with the homebuilding industry, and one representative of wildlife resources interests. The Governor shall appoint five members: one representative of the mining industry, one representative of agriculture, one representative of an environmental organization, one representative of forestry, and one representative of the Department of Environment, Health, and Natural Resources. The President Pro Tempore of the Senate and the Speaker of the House shall each designate a cochairman from the membership of the Commission. Appointments shall be made no later than September 1, 1989, and members shall serve until the termination of the Commission.

Sec. 16.4. At the request of the Commission, the Legislative Services Commission may assign professional and clerical staff to assist in the work of the Commission. The Commission may also employ any professional and clerical staff it deems necessary to the performance of its duties. With approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or Legislative Office Building.

Sec. 16.5. Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

Sec. 16.6. The Commission may file a report with the 1989 General Assembly, 1990 Regular Session. Otherwise, the Commission shall file a report with the General Assembly not later than March 1, 1991. The Commission shall terminate upon the filing of its report.

Sec. 16.7. Of the funds appropriated to the General Assembly there is allocated the sum of \$15,000 for the 1989-90 fiscal year and the sum of \$15,000 for the 1990-91 fiscal year to fund the work of the Commission created by this Part.

#### PART XVII.—HEALTH CARE LICENSING STUDY

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

#### PART XVIII.—MEDICAID RESOURCES LIMIT STUDY

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

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

#### PART XIX.—SUBSTANCE ABUSE TREATMENT AND MEDICAL CARE IN PRISONS STUDY

Sec. 19.1. The Special Committee on Prisons as continued by Resolution 8, Session Laws of 1989, shall study:

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

Sec. 19.2. There is allocated from the funds appropriated to the General Assembly to the Special Committee on Prisons for its work the sum of \$10,000 for the 1989-90 fiscal year and the sum of \$10,000 for the 1990-91 fiscal year.

#### PART XX.—ELIZABETH II CULTURAL ACTIVITIES FACILITY

Sec. 20.1. There is transferred from the funds appropriated to the Legislative Services Commission for the reserve for studies to the Department of Cultural Resources, Division of Archives and History, the sum of \$20,000 for the 1990-91 fiscal year for a planning and feasibility study for a cultural activities facility on the Elizabeth II State Historic Site as part of the State Historic Site. The Department of Cultural Resources shall report its findings to the Joint Legislative Commission on Governmental Operations by April 1, 1991.

## PART XXI.—STATE PERSONNEL SYSTEM STUDY COMMISSION

Sec. 21.1. There is created a Study Commission on the State Personnel System to be composed of 15 members: five Senators to be appointed by the President Pro Tempore of the Senate, five Representatives to be appointed by the Speaker of the House, and five public members to be appointed by the Governor. Appointments to the Study Commission shall be made within 30 days subsequent to the adjournment of the General Assembly in 1989. The President Pro Tempore of the Senate and the Speaker of the House shall each designate a cochairman from their appointees. Either cochairman may call the first meeting of the Study Commission. Vacancies shall be filled in the same manner as the original appointments were made.

Sec. 21.2. The Study Commission is authorized to study all aspects of the State personnel system, including the impact of State and local governmental employees retirement benefits increases, the impact of the exemption from State taxes of State, local, federal, and private retirement benefits, and public employees' day care and medical and dental benefits.

Sec. 21.3. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Study Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

Sec. 21.4. The Study Commission may submit an interim report of its findings and recommendations and the status of its work on or before the first day of the 1990 Regular Session of the 1989 General Assembly. The Study Commission shall submit a final written report of its findings and recommendations on or before the convening of the 1991 Session of the General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Sec. 21.5. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

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

Sec. 21.6. There is allocated from the funds appropriated to the General Assembly to the Study Commission on the State Personnel System for its work the sum of \$25,000 for the 1989-90 fiscal year and the sum of \$20,000 for the 1990-91 fiscal year.

## PART XXII.—JUVENILE JURISDICTIONAL AGE, STATUTORY RAPE, AND VIOLENT VIDEOS

Sec. 22.1. The Juvenile Law Study Commission is directed to study, within the funds already appropriated to it, the issues of juvenile jurisdictional age, statutory rape, and sales of violent videos. The Commission shall report its findings and recommendations of its study to the 1991 General Assembly upon its convening.

PART XXIII.—LICENSING FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS STUDY.

Sec. 23.1. Notwithstanding any other provision of law, the Legislative Committee on New Licensing Boards may meet during the legislative interim and study the issue of licensing boards for professional engineers and land surveyors. Members of the Committee shall be paid subsistence and travel at the rates set forth in G.S. 120-3.1.

PART XXIV.—STATE MARINE PATROL STUDY

Sec. 24.1. 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-range; and~~
- (4) Determination of whether to create a State Marine Patrol similar to the State Highway Patrol to patrol the waters of the State.

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 make a final report to the 1991 General Assembly."

PART XXV.—EFFECTIVE DATE

Sec. 25.1. This act shall become effective July 1, 1989.

In the General Assembly read three times and ratified this the 12th day of August, 1989.