

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 787
Committee Substitute Favorable 7/12/00

Short Title: 2000 Studies Bill.

(Public)

Sponsors:

Referred to:

April 7, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND
4 COMMISSIONS, AND TO DIRECT STATE AGENCIES AND LEGISLATIVE
5 OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED
6 ISSUES.

7 The General Assembly of North Carolina enacts:

8 **PART I.—TITLE**

9 Section 1. This act shall be known as "The Studies Act of 2000".
10

11 **PART II.—LEGISLATIVE RESEARCH COMMISSION**

12 Section 2.1. The Legislative Research Commission may study the topics listed
13 below. When applicable, the bill or resolution that originally proposed the issue or study
14 and the name of the sponsor is listed. The following groupings are for reference only:

15 (1) Governmental and Personnel Issues:

16 a. Establishment of an auxiliary police officers' pension fund (H.B.
17 1734 - Davis).

- 1 b. Salaries and benefits of Department of Correction employees
2 (H.B. 1782 - Gibson).
- 3 c. State compliance with federal Civil Rights Act (S.B. 1274 -
4 Jordan).
- 5 d. Elections supervisors' salaries (H.B. 1492 - Buchanan).
- 6 e. Permanent part-time employees included in the Teachers' and
7 State Employees' Retirement System (H.B. 1726 - Rogers).
- 8 (2) Insurance, Managed Care, and other Health Care Issues:
9 a. Insurance availability in beach and coastal areas (H.B. 1835 -
10 Redwine).
- 11 b. Employer-sponsored, self-insured group health benefit plans
12 (S.B. 1429 - Dalton).
- 13 c. Parity in health insurance coverage for mental illness and
14 chemical dependency benefits (H.B. 1567 - Alexander; S.B. 1254
15 - Martin of Guilford).
- 16 d. Alternative health care providers (H.B. 1049 - Miller).
- 17 (3) Education Issues:
18 a. Placement of and providing a special education to children in
19 group homes (H.B. 1833 - Hurley, Morris; S.B. 1540 - Rand).
- 20 (4) Health and Public Safety Issues:
21 a. Pregnancy and drug abuse (H.B. 1846 - Sherrill).
- 22 b. Health and safety hazards at the abandoned Imperial Foods
23 processing plant in Hamlet (H.B. 1818 - Goodwin).
- 24 c. Social Anxiety Disorder (H.B. 1652 - Edwards, Wainwright).
- 25 d. Community-based syringe exchange programs (H.B. 1683 -
26 Wright).
- 27 (5) Taxation and Economic Development Issues:
28 a. Homestead Exemption (H.B. 1700 - Warner, Hurley; S.B. 1484 -
29 Hoyle).
- 30 b. Simplify taxes on telecommunications (S.B. 1320 - Hoyle, Kerr).
- 31 c. State's travel and tourism industry and the economic benefits of
32 that industry (Warwick).
- 33 (6) Environmental/Agricultural Issues:
34 a. Wildlife Resources Commission rules concerning snakes (H.B.
35 1841 - Allred).
- 36 b. Statewide public and private use of water (Warwick).
- 37 c. Small family farm preservation (H.B. 1623 - Mitchell; S.B. 1342
38 - Albertson).
- 39 d. Water capacity use area issues (Warwick).
- 40 (7) Transportation Issues:
41 a. Abandoned vehicles on State Roads (Mitchell).
- 42 (8) Criminal laws issues:
43 a. Termination of parental rights of rapists (H.B. 1678 - Ellis).

1 b. Victim's rights (H.B. 1766 - Eddins).

2 (9) Civil Law Issues:

3 a. Frivolous lawsuits (H.B. 1681 - Owens).

4 b. Seized property (H.B. 1750 - Buchanan).

5 (10) Court System:

6 a. Authority of Magistrates and Clerks of Court (H.B. 1224 -
7 Baddour; S.B. 1023 - Clodfelter).

8 Section 2.2. Reporting Date. – For each of the topics the Legislative Research
9 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the
10 Commission may report its findings, together with any recommended legislation, to the
11 2001 General Assembly.

12
13 **PART III.—STATE GOVERNMENT GENDER EQUITY STUDY**
14 **COMMISSION**

15 Section 3.1. There is created a State Government Gender Equity Study
16 Commission. The Commission shall consist of 13 members, appointed as follows:

17 (1) Three persons appointed by the Governor.

18 (2) Five members of the House of Representatives appointed by the
19 Speaker of the House.

20 (3) Five members of the Senate appointed by the President Pro Tempore of
21 the Senate.

22 Section 3.2. The Commission shall study gender pay equity issues in State
23 government employment. The Commission shall submit a final report of its findings and
24 recommendations to the General Assembly on or before the first day of the 2001 Session
25 of the General Assembly by filing the report with the President Pro Tempore of the
26 Senate and the Speaker of the House of Representatives. Upon filing its final report, the
27 Commission shall terminate.

28 Section 3.3. When a vacancy occurs in the membership of the Commission,
29 the vacancy shall be filled by the same appointing officer who made the initial
30 appointment. The Speaker of the House of Representatives shall designate one
31 Representative as cochair and the President Pro Tempore of the Senate shall designate
32 one Senator as cochair. Members of the Commission shall receive subsistence and travel
33 expenses at the rates set forth in G.S. 120-3.1.

34 Section 3.4. The Commission, while in the discharge of official duties, may:

35 (1) Exercise all the powers provided for under the provisions of G.S. 120-
36 19 and G.S. 120-19.1 through G.S. 120-19.4.

37 (2) Meet at any time upon the joint call of the cochairs.

38 (3) Meet in the State Legislative Building or the Legislative Office
39 Building.

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

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

4 All State departments, agencies, and institutions shall furnish the Commission
5 with any information in their possession or available to them.

6 Section 3.5. From funds appropriated to the General Assembly, the Legislative
7 Services Commission shall allocate funds for the expenses of the State Government
8 Gender Equity Study Commission.

9
10 **PART IV.—JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF**
11 **NORTH CAROLINA RAILROADS**

12 Section 4.1. Chapter 120 of the General Statutes is amended by adding a new
13 Article to read:

14 **"ARTICLE 12N.**

15 **"Joint Legislative Committee on the Future of North Carolina Railroads.**

16 **"§ 120-70.120. Creation and membership of Joint Legislative Committee on the**
17 **Future of North Carolina Railroads.**

18 (a) The Joint Legislative Committee on the Future of North Carolina Railroads is
19 established. The Committee shall be composed of 16 members as follows:

20 (1) Eight members of the House of Representatives appointed by the
21 Speaker of the House.

22 (2) Eight members of the Senate appointed by the President Pro Tempore of
23 the Senate.

24 (b) Terms on the Committee are for two years and begin on January 15 of each
25 odd-numbered year, except the terms of the initial members, which begin on
26 appointment. Members may complete a term of service on the Committee even if they do
27 not seek reelection or are not reelected to the General Assembly, but resignation or
28 removal from service in the General Assembly constitutes resignation or removal from
29 service on the Committee.

30 (c) Any vacancy on the Committee shall be filled by the appointing authority.

31 **"§ 120-70.121. Purpose and powers of Committee.**

32 (a) The Committee has the following powers and duties:

33 (1) To oversee all aspects of the operation, structure, management, and
34 long-range plans of the North Carolina Railroad.

35 (2) To evaluate the importance of railroads and railroad infrastructure
36 improvements to economic development in North Carolina, including
37 improvements to short-line railroads.

38 (3) To study issues important to the future of passenger and freight rail
39 service in North Carolina.

40 (4) To study expediting the process of property dispute resolution between
41 private landowners and railroad companies.

1 (5) To make reports and recommendations, including draft legislation, to
2 the General Assembly from time to time as to any matter relating to the
3 powers and duties set out in this section.

4 (b) The Committee's study of any of the issues set out in this section is not
5 intended to, and shall not, delay the North Carolina Railroad Company's contract
6 negotiations with freight and passenger rail service operators, including a Regional Public
7 Transportation Authority created under Article 26 of Chapter 160A of the General
8 Statutes, a Regional Transportation Authority created under Article 27 of Chapter 160A
9 of the General Statutes, or the Norfolk Southern Railway Company.

10 **"§ 120-70.122. Organization of Committee.**

11 (a) The Speaker of the House of Representatives and the President Pro Tempore of
12 the Senate shall each designate a cochair of the Committee. The Committee shall meet
13 upon the call of the cochairs.

14 (b) A quorum of the Commission shall be nine members. No action may be taken
15 except by a majority vote at a meeting at which a quorum is present. While in the
16 discharge of its official duties, the Committee has the powers of a joint committee under
17 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

18 (c) Members of the Committee shall receive subsistence and travel expenses as
19 provided in G.S. 120-3.1 and G.S. 138-5. The Committee may contract for consultants or
20 hire employees in accordance with G.S. 120-32.02. Upon approval of the Legislative
21 Services Commission, the Legislative Services Officer shall assign professional staff to
22 assist the Committee in its work. Upon the direction of the Legislative Services
23 Commission, the Supervisors of Clerks of the Senate and of the House of Representatives
24 shall assign clerical staff to the Committee. The expenses for clerical employees shall be
25 borne by the Committee."

26 Section 4.2. Of the funds appropriated to the General Assembly, the
27 Legislative Services Commission shall allocate funds to implement the provisions of this
28 Part.
29

30 **PART V.—ENVIRONMENTAL REVIEW COMMISSION TO REVIEW THE**
31 **REPORT AND RECOMMENDATIONS OF THE ESTUARINE SHORELINE**
32 **PROTECTION STAKEHOLDERS TEAM**

33 Section 5.1. The Environmental Review Commission shall review the findings
34 and recommendations of the August 1999 report of the Estuarine Shoreline Protection
35 Stakeholders Team of the Coastal Resources Commission. The Environmental Review
36 Commission shall determine which of the recommendations of the Stakeholders Team
37 can be implemented administratively, which recommendations would require rule making
38 by the Coastal Resources Commission or other agency, and which recommendations
39 would require legislation. The Environmental Review Commission shall evaluate
40 existing local government land-use planning in the coastal and inland counties that are
41 included in the river basins that drain to coastal North Carolina. The Environmental
42 Review Commission shall specifically evaluate whether the local land-use planning
43 process required for coastal counties under the Coastal Area Management Act of 1974

1 should be extended to include inland counties that are included in the river basins that
2 drain to coastal North Carolina. Upon request of the Environmental Review
3 Commission, the Department of Environment and Natural Resources, the Coastal
4 Resources Commission, and the Stakeholders Team shall provide assistance to the
5 Environmental Review Commission in its conduct of this study. The Environmental
6 Review Commission may refer consideration of any issue raised by this study to the
7 Commission to Address Smart Growth, Growth Management, and Development Issues.
8 The Environmental Review Commission shall report its findings and recommendations,
9 including legislative proposals, if any, to the 2001 General Assembly.

11 **PART VI.—JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**

12 Section 6.1. The Joint Legislative Education Oversight Committee shall study
13 the following issues:

- 14 (1) Issues related to counselors and social workers in the public schools
15 (H.B. 1826 - Insko).
- 16 (2) The need for instruction in foreign languages at the elementary school
17 level (H.B. 1799 - Insko).
- 18 (3) The feasibility of increasing the minimum number of instructional days
19 to 200, increasing the minimum number of instructional hours to 1,120,
20 and increasing the contractual period for teachers to 12 months. The
21 study shall include an examination of the costs and benefits of the
22 proposed increases as well as a recommended timetable for
23 implementation (H.B. 1727 - Arnold).

24 Section 6.2. The Joint Legislative Education Oversight Committee shall report
25 its findings and recommendations of its studies under this Part to the General Assembly
26 prior to the convening of the 2001 General Assembly.

27 Section 6.3. Of the funds appropriated to the General Assembly, the
28 Legislative Services Commission shall allocate funds to implement the provisions of this
29 Part.

31 **PART VII.—LEGISLATIVE ETHICS COMMITTEE (H.B. 1774 - Allen, Miller)**

32 Section 7. The Legislative Ethics Committee shall study the need for and
33 advisability of establishing conflicts of interest guidelines for public members of advisory
34 committees and commissions in the executive and legislative branches of State
35 government. The Legislative Ethics Committee may consult with the North Carolina
36 Board of Ethics in conducting this study. The Legislative Ethics Committee shall report
37 its findings and recommendations, including proposed legislation, to the 2001 General
38 Assembly upon its convening. Any recommended legislation should include
39 recommended guidelines or a procedure for the establishment of conflicts of interest
40 guidelines.

1 **PART VIII.—DEPARTMENT OF HEALTH AND HUMAN SERVICES AND**
2 **ADMINISTRATIVE OFFICE OF THE COURTS STUDY OF THE CHILD**
3 **SUPPORT SYSTEM (H.B. 1528 - Nye; S.B. 1277 - Martin of Guilford)**

4 Section 8.1. The Department of Health and Human Services and the
5 Administrative Office of the Courts, in conjunction with local departments of social
6 services, clerks of court, IV-D attorneys, district court judges, representatives of county
7 government, representatives of business and industry, and representatives of child support
8 clients, shall study ways to more effectively coordinate the efforts of the two agencies in
9 regard to collection and enforcement of child support. This study shall include studying
10 the feasibility of the two agencies granting each other access to one another's computer
11 systems or the feasibility of making the computer systems compatible with one another.
12 The study shall also include the development of protocols to facilitate directing
13 individuals to the proper agency for assistance or information. The Department of Health
14 and Human Services and the Administrative Office of the Courts shall report to the Joint
15 Legislative Public Assistance Commission on efforts under this section by October 1,
16 2000.

17 Section 8.2. The Department of Health and Human Services and the
18 Administrative Office of the Courts, in conjunction with local departments of social
19 services, clerks of court, IV-D attorneys, district court judges, representatives of county
20 government, representatives of business and industry, and representatives of child support
21 clients, shall study the problems with and barriers to the establishment of a unified
22 system of child support collection and enforcement. This study shall also include
23 estimates of the costs, including any savings, associated with the establishment of a
24 unified system and any advantages or disadvantages associated with the establishment of
25 a unified system over a five-year period. The two agencies shall make recommendations
26 regarding solutions to any problems or barriers to the establishment of a unified system.
27 The Department of Health and Human Services and the Administrative Office of the
28 Courts shall make interim reports to the Joint Legislative Public Assistance Commission
29 on efforts under this section by September 1, 2000, and December 1, 2000, and shall
30 make a final report to the Joint Legislative Public Assistance Commission on efforts
31 under this section by March 1, 2001.

32
33 **PART IX.—DEPARTMENT OF HEALTH AND HUMAN SERVICES,**
34 **DEPARTMENT OF PUBLIC INSTRUCTION, AND DEPARTMENT OF**
35 **AGRICULTURE AND CONSUMER SERVICES – HUNGER PROGRAM**
36 **STUDIES (H.B. 1526 - Nye)**

37 Section 9.1. The Department of Health and Human Services and the
38 Department of Public Instruction, in conjunction with the Department of Agriculture and
39 Consumer Services, the statewide system of food banks, the North Carolina Hunger
40 Network, the North Carolina Nutrition Network, and other State and local agencies, shall
41 study the School Lunch Program, the School Breakfast Program, and the Summer Food
42 Service Program. This study shall specifically include a study of the reasons for
43 underutilization of the programs. The Department of Public Instruction and the

1 Department of Health and Human Services shall take any actions authorized under
2 current law to increase participation in these programs before the beginning of the 2000-
3 2001 school year. The Department of Health and Human Services and the Department of
4 Public Instruction shall report on any actions taken under this section and shall make any
5 recommendations on changes to current law to the Joint Legislative Public Assistance
6 Commission by October 1, 2000.

7 Section 9.2. The Department of Health and Human Services, in conjunction
8 with the Department of Agriculture and Consumer Services, the statewide system of food
9 banks, the North Carolina Hunger Network, the North Carolina Nutrition Network, and
10 other State and local agencies, shall conduct a comprehensive study of the Food Stamps
11 Program, specifically focusing on reasons for the underutilization of the program. This
12 study shall include inquiry into the following areas:

- 13 (1) The feasibility of additional outreach efforts to inform the public of the
14 requirements and availability of food stamps.
- 15 (2) The feasibility of extended business hours for local departments of
16 social services to facilitate the process of obtaining food stamps.
- 17 (3) The feasibility of ending automatic termination of food stamps when the
18 individual or family no longer receives Work First cash assistance;
19 thereby providing a transition period while the family moves toward
20 economic independence.

21 The Department shall identify any actions which may be taken under current
22 law to increase participation in the Food Stamps Program and implement those actions as
23 soon as practicable. The Department shall report on efforts under this section to the Joint
24 Legislative Public Assistance Commission by October 1, 2000.

25
26 **PART X.—DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
27 **DENTAL SERVICES FOR MEDICAID RECIPIENTS (S.B. 1258 - Martin of**
28 **Guilford)**

29 Section 10.1. In consultation with the State Public Health Director,
30 representatives of the School of Dentistry at the University of North Carolina at Chapel
31 Hill, the North Carolina Dental Society, the Old North State Dental Society, the North
32 Carolina Medical Society, the North Carolina Dental Hygiene Association, The North
33 Carolina Institute of Medicine, and consumer organizations, the Secretary of the
34 Department of Health and Human Services shall monitor and examine the following:

- 35 (1) The extent to which the Medicaid reimbursement rate increase is
36 resulting in an increase in:
 - 37 a. The number of Medicaid-eligible children seen by dentists
38 participating as Medicaid providers;
 - 39 b. The number of dentists participating as Medicaid providers; and
 - 40 c. The number of dentists practicing in underserved areas of the
41 State;
- 42 (2) Changes in the quality of dental services delivered to Medicaid patients;

1 (3) The successful creation of a stronger coalition of oral health care
2 providers and physicians, funding agencies, and nonprofit organizations
3 focusing on the oral health care needs of children; and to encourage
4 strengthening of that coalition;

5 (4) The development of strategies for building upon the recommendations
6 of the North Carolina Institute of Medicine's Task Force on Dental Care
7 Access's 1999 report to the North Carolina General Assembly and to the
8 Secretary of the North Carolina Department of Health and Human
9 Services; and

10 (5) The identification of additional measures that should be undertaken to
11 improve access to and the quality of oral health care for children.

12 Section 10.2. Not later than May 1, 2001, and May 1, 2002, the Secretary shall
13 report any findings and recommendations to the chairpersons of the Senate
14 Appropriations Committee on Human Resources, the House of Representatives
15 Appropriations Subcommittee on Health and Human Services, the Joint Legislative
16 Healthcare Oversight Committee, the Senate and House Health Committees, and to the
17 Fiscal Research Division of the General Assembly.

18
19 **PART XI.—STATE BOARD OF EDUCATION STUDY SCHOOL CALENDAR**
20 **(H.B. 1847 - Warner; S.B. 1513 - Lucas)**

21 Section 11. The State Board of Education shall study issues related to the
22 public school calendar. The State Board shall report the results of this study to the Joint
23 Legislative Education Oversight Committee prior to February 1, 2001.

24
25 **PART XII.—DEPARTMENT OF HEALTH AND HUMAN SERVICES**
26 **DEVELOPMENTAL DISABILITIES STUDY**

27 Section 12.1. Section 11.23(b) of S.L. 2000-67 reads as rewritten:

28 "Section 11.23.(b) ~~The Department shall~~ Department, in consultation with the
29 Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities,
30 and Substance Abuse Services, shall study whether a new division of developmental
31 disabilities should be established in the Department. Not later than January 1, 2001, the
32 Department shall report its findings and recommendations to the Joint Legislative
33 Oversight Committee on Mental Health, Developmental Disabilities, and Substance
34 Abuse Services, the House of Representatives Appropriations Subcommittee on Health
35 and Human ~~Services—Services,~~ and the Senate Appropriations Committee on Human
36 Resources."

37
38 **PART XIII.—DEPARTMENT OF HEALTH AND HUMAN SERVICES**
39 **ADOLESCENT PREGNANCY PREVENTION STUDY**

40 Section 13.(a) Section 11.40 of S.L. 2000-67 is repealed.

41 Section 13.(b) The first paragraph of subsection (v) of Section 5 of S.L. 2000-
42 67 reads as rewritten:

1 "Section 5.(v) The funds appropriated to the Department of Health and Human
2 Services, Division of Public Health, in this ~~act~~section in the TANF Block Grant for the
3 2000-2001 fiscal year for teen pregnancy prevention shall be used in accordance with the
4 provisions of this subsection."

5 Section 13.(c) The Department of Health and Human Services, in collaboration
6 with the Adolescent Pregnancy Prevention Coalition of North Carolina, local pregnancy
7 prevention program administrators, and other organizations, shall develop a
8 comprehensive plan for consolidating adolescent pregnancy prevention programs and
9 adolescent parenting programs in a manner that facilitates all of the following:

- 10 (1) Efficient operations and the elimination of duplication among programs.
11 To the extent that duplication in administration and program operations
12 is demonstrably necessary for effective program operations, the
13 Department shall indicate:
 - 14 a. Why duplication is necessary;
 - 15 b. Negative consequences relative to program goals as a result of
16 eliminating duplication; and
 - 17 c. Means by which program and fiscal integrity and accountability
18 will be achieved and monitored.
- 19 (2) Consistent progress in reducing adolescent pregnancy in North Carolina
20 among demographic subgroups.
- 21 (3) Valid and reliable processes for monitoring and evaluating State and
22 local fiscal and program performance.
- 23 (4) Program organization, administration, and governance that is clear and
24 understandable.
- 25 (5) Targeting counties and municipalities with the highest adolescent
26 pregnancy rates, increasing rates of adolescent pregnancy, high rates of
27 adolescent pregnancy within demographic subgroups, or with the
28 greatest need of parenting programs.
- 29 (6) An equitable and need-based process for funding individual projects and
30 other program initiatives.
- 31 (7) Best practice models, while recognizing the desirability and utility of
32 innovative and promising projects that are not classified as best practice
33 models.

34 Not later than March 1, 2001, the Department shall report its plan for
35 consolidation, including its findings and recommendations, to the House of
36 Representatives Appropriations Subcommittee on Health and Human Services, the Senate
37 Appropriations Committee on Human Resources, and the Fiscal Research Division.

38 **PART XIV.—BILL AND RESOLUTION REFERENCES**

39 Section 14. Unless otherwise specified, the listed bill or resolution refers to the
40 measure introduced in the 1999 or 2000 Regular Session of the 1999 General Assembly.
41 The Commission may consider the original bill or resolution in determining the nature,
42 scope, and aspects of the study. The listing of the original bill or resolution in this act is
43

1 for reference purposes only and shall not be deemed to incorporate by reference any of
2 the substantive provisions contained in the original bill or resolution.

3

4 **PART XV.—EFFECTIVE DATE AND APPLICABILITY**

5 Section 15. Except as otherwise specifically provided, this act is effective
6 when it becomes law.