

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

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SENATE BILL 231*
Appropriations Committee Substitute Adopted 7/25/89
Third Edition Engrossed 8/1/89
House Committee Substitute Favorable - Engrossed 8/10/89

Short Title: Studies for 1989-90.

(Public)

Sponsors:

Referred to:

February 22, 1989

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND
4 COMMISSIONS, AND TO MAKE APPROPRIATIONS THEREFOR.

5 The General Assembly of North Carolina enacts:

6 PART I. TITLE

7 Section 1. This act shall be known as "The Studies Act of 1989."

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9 An outline of the provisions of the act follows this section. The outline
10 shows the heading "—CONTENTS/INDEX—"and lists by general category the
11 descriptive captions for the various sections and groups of sections that compile the act.

12 —CONTENTS/INDEX—

13 This outline is designed for reference only, and the outline and the
14 corresponding entries throughout the act in no way limit, define, or prescribe the scope
15 or application of the text of the act. The listing of the original bill or resolution in the
16 outline of this act is for reference purposes only and shall not be deemed to have
17 incorporated by reference any of the provisions contained in the original bill or
18 resolution.

19
20 PART II.—LEGISLATIVE RESEARCH COMMISSION

21 Sec. 2.1

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2 Sec. 2.3

3 Sec. 2.4

4 Sec. 2.5

5 Sec. 2.6

6 PART III.—SOCIAL SERVICES AND HOMELESS PERSONS STUDY
7 COMMISSION

8 (H.B. 400 - Colton, S.B. 326 - Walker, H.B. 2018 - Greenwood, S.B.
9 1290 - Martin).

10 Sec. 3.1

11 Sec. 3.2

12 Sec. 3.3

13 Sec. 3.4

14 Sec. 3.5

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16 Sec. 3.7

17 Sec. 3.8

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19 PART IV.—STATE PARKS STUDY COMMISSION

20 (H.B. 436 - Crawford, N., S.B. 231 - Sherron).

21 Sec. 4.1

22 Sec. 4.2

23 Sec. 4.3

24 Sec. 4.4

25 Sec. 4.5

26 Sec. 4.6

27 PART V.—PUBLIC HEALTH STUDY COMMISSION

28 (H.B. 1098 - Wiser, S.B. 435 - Block).

29 Sec. 5.1

30 Sec. 5.2

31 Sec. 5.3

32 Sec. 5.4

33 Sec. 5.5

34 Sec. 5.6

35 Sec. 5.7

36 Sec. 5.8

37 Sec. 5.9

38 PART VI.—EDUCATION STUDY COMMISSION

39 (H.B. 1666 - Warren, E., H.B. 1377 - Bowman, S.B. 1237 - Chalk,
40 S.B. 1254 - Ballance).

41 Sec. 6.1

42 Sec. 6.2

43 Sec. 6.3

44 Sec. 6.4

- 1 Sec. 6.5
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4 Sec. 6.8
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6 Sec. 6.10
7 PART VII.—ENERGY ASSURANCE STUDY COMMISSION
8 (H.B. 1947 - Payne, S.B. 1119 - Rauch).
9 Sec. 7.1
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11 Sec. 7.3
12 Sec. 7.4
13 Sec. 7.5
14 Sec. 7.6
15 Sec. 7.7
16 PART VIII.—MENTAL HEALTH STUDY COMMISSION
17 (S.B. 222 - Harris, S.J.R. 887 - Block).
18 Sec. 8.1
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20 Sec. 8.3
21 Sec. 8.4
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24 Sec. 8.7
25 PART IX.—STATE INFRASTRUCTURE NEEDS STUDY COMMISSION
26 (S.B. 1162 - Basnight).
27 Sec. 9.1
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4 PART XI.—PROPERTY TAX STUDY COMMISSION

5 Sec. 11.1

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12 Sec. 11.8

13 PART XII.—EFFECTIVE DATE

14 Sec. 12.1

15 PART II.—LEGISLATIVE RESEARCH COMMISSION

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

21 (1) Revenue Laws—study continued, including the impact of 1989 tax law
22 changes (H.J.R. 3 - Lilley),

23 (2) Albemarle-Pamlico Estuarine (H.J.R. 33 - Bowman), Coastal Water
24 Quality—study continued (H.J.R. 37 -Bowman), and Development of a
25 State Strategy for Protection of all North Carolina Estuarine
26 Resources,

27 (3) UNC Print Shops (H.B. 127 - Hunt, S.), State Print Shops (H.B. 128 -
28 Hunt, S.),

29 (4) State Ports Authority (H.J.R. 133 - Hall, S.J.R. 96 - Barker), Lease and
30 Renegotiation of Contracts of the North Carolina Railroad Company
31 and the Atlantic and North Carolina Railroad Company,

32 (5) State Personnel Systems (H.J.R. 140 - Stamey, S.J.R. 59 - Hunt,W.),

33 (6) Care Provided by Rest Homes, Intermediate Care Facilities, and
34 Skilled Nursing Homes—study continued (H.J.R. 173 - Easterling),

35 (7) Long-Term Care Insurance (H.B. 202 - Wisner), Health Insurance Costs
36 (H.B. 961 - Perdue, S.B. 1068 - Johnson, Joe), Health Insurance
37 (H.J.R. 1159 - Duncan), Infertility Treatment Coverage (H.B. 1187 -
38 Payne), and All Health Insurance Issues, including, but not limited to,
39 Availability, Benefits, Cost, and Portability,

40 (8) Tourism's Growth and Effect—study continued (H.B. 379 - Warren,
41 S.B. 297 - Block), Travel/ Tourism Reorganization (H.B. 1132 -
42 Perdue),

43 (9) Juvenile Jurisdiction Age (H.B. 429 - Easterling),

- 1 (10) Development of a State Strategy for the Protection of All Groundwater
- 2 Resources (H.J.R. 554 - DeVane, S.J.R. 367 - Winner),
- 3 (11) Development of a State Strategy for the Management of Infectious
- 4 Waste (H.B. 1045 - Diggs) and Solid Waste (S.B. 112 - Speed),
- 5 (12) Campaign and Election Procedures (H.B. 1069 - Crawford, N.),
- 6 (12a) Sales of Violent Videos (H.B. 1169 - Hurley),
- 7 (13) Haw in Scenic River System (H.B. 1224 - Hackney), Pesticides
- 8 (H.J.R. 1399 - Holt), Toxaway River (H.B. 1955 - Colton), Yadkin
- 9 River Use and Protection (S.B. 1182 - Kaplan), and Development of a
- 10 State Strategy for the Protection and Preservation of the Non-Estuarine
- 11 Water Resources of the State,
- 12 (14) Licensing Boards for Professional Engineers and Land Surveyors
- 13 (H.J.R. 1322 - Mills),
- 14 (15) Prisoners Medical Care (H.J.R. 1336 - Holt), Insanity Verdict (H.B.
- 15 1364 - Rhodes), Guilty but Insane Verdict (H.B. 1372 - Sizemore),
- 16 Substance Abuse Treatment in Prisons (S.B. 848 - Martin, W.),
- 17 (16) Agriculture Study (H.B. 1362 - Brown), Fallow Deer (H.J.R. 1924 -
- 18 James),
- 19 (17) Domestic Violence (H.B. 1415 - Easterling),
- 20 (18) Office of Administrative Hearings and the Administrative
- 21 Rules Review Commission
- 22 (H.J.R. 1459 - Michaux, S.J.R. 1003 - Martin, W.), Administrative Procedure
- 23 Act's Rule-Making Process (S.B. 535 - Johnson),
- 24 (19) Small Business Technical Assistance Programs (H.J.R. 1514 - Colton),
- 25 (20) Linked Deposits (H.B. 1910 - Locks), Depository Institutions (S.B.
- 26 1037 - Staton),
- 27 (21) Water Resources Planning (H.B. 1945 - Payne),
- 28 (22) UNC Budget Process (H.B. 1993 - Jones, S.B. 1269 - Martin, W.)
- 29 (23) Worker Training Trust Fund (S.B. 271 - Parnell),
- 30 (24) Aquaculture (S.B. 294 - Basnight), Sports Fishing Licenses (S.B. 1284
- 31 - Barker),
- 32 (25) Legislative and Judicial Salaries (S.B. 718 - Winner),
- 33 (26) Proprietary Schools (S.B. 854 - Martin, W.),
- 34 (27) The Impact of the State and Local Governmental Employees
- 35 Retirement Benefits Increase and of the Exemption from State Taxes
- 36 of State, Local, Federal, and Private Retirement Benefits,
- 37 (28) Jurisdiction of State Law Enforcement Officers and Monitor and
- 38 Review of the State Auditor's Performance Audit on this Issue,
- 39 (29) Awarding of Warehousing and Transportation Contracts by the
- 40 Alcoholic Beverage Control Commission,
- 41 (30) Indian Tribes Recognition by the Federal Government,
- 42 (31) North Carolina Justice Academy Expansion,
- 43 (32) Public Employees' Day Care and Medical and Dental Benefits,
- 44 (33) Necessity for Certificates of Need.

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

8 Sec. 2.3. Committee Membership. For each Legislative Research
9 Commission Committee created during the 1989-1991 biennium, the Cochairmen of the
10 Commission each shall appoint a minimum of seven members.

11 Sec. 2.4. Reporting Dates. For each of the topics the Legislative Research
12 Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the
13 Commission may report its findings, together with any recommended legislation, to the
14 1990 Session of the 1989 General Assembly or the 1991 General Assembly, or both.

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

19 Sec. 2.6. From the funds available to the General Assembly, the Legislative
20 Services Commission may allocate additional monies to fund the work of the
21 Legislative Research Commission.

22 PART III.—SOCIAL SERVICES AND HOMELESS PERSONS STUDY 23 COMMISSION

24 Sec. 3.1. There is established the Social Services and Homeless Persons
25 Study Commission, an independent commission, to study public social services and
26 public assistance in North Carolina and to recommend improvements that will assure
27 that North Carolina has cost-effective, consistently administered public social services
28 and public assistance programs.

29 Sec. 3.2. The Commission shall consist of 17 voting and four nonvoting
30 members. The Speaker of the House of Representatives shall appoint seven voting
31 members, five of whom shall be House members, one of whom shall be a county
32 commissioner, and one of whom shall be a low-income recipient of social services or
33 public assistance benefits. The President Pro Tempore of the Senate shall appoint seven
34 voting members, five of whom shall be Senators, one of whom shall be a county social
35 services director, and one of whom shall be an advocate for low-income people who is
36 familiar with social services and public assistance programs. The Governor shall
37 appoint three voting members, one of whom shall be the Secretary of the Department of
38 Human Resources or a designee, one of whom shall be an officer or director of a private
39 social services agency, and one of whom shall be a business representative who is
40 involved in a local Private Industry Council. The Speaker of the House of
41 Representatives and the President Pro Tempore of the Senate shall each appoint two
42 nonvoting members who shall be involved in the administration or funding of social
43 services and public assistance programs. Initial appointments shall be made within 30
44 days following adjournment of the 1989 Session of the General Assembly. Vacancies

1 shall be filled by the official who made the initial appointment using the same criteria as
2 provided by this section.

3 Sec. 3.3. The President Pro Tempore of the Senate and the Speaker of the
4 House of Representatives shall each appoint a cochair of the Commission from their
5 appointees. The cochairs shall call the first meeting and preside at alternate meetings.

6 Sec. 3.4. The Social Services and Homeless Persons Study Commission shall
7 continue to examine the need for improvements in the State's social services system and
8 develop legislation to address those needs. If legislation is enacted directing the
9 Department of Human Resources to develop a Social Services Plan, the Commission
10 may receive status reports on the development of the Plan; upon completion of the Plan,
11 the Commission shall receive and review it. The Commission shall monitor and review
12 efforts within the Department of Human Resources to (i) plan for the efficient and
13 timely implementation of federal welfare reform provisions, and (ii) simplify public
14 assistance programs by reducing paperwork, developing a consolidated application
15 process, or other means.

16 The Commission shall obtain, study, and make recommendations based on such
17 information as:

- 18 (1) The sociological characteristics of the State's homeless population,
19 such as age, race, and sex, and economic, health, occupational, and
20 family status;
- 21 (2) The estimated number of homeless persons in the State, identification
22 of the areas of the State in which there are the greatest and least
23 concentrations of homeless persons, and possible reasons for such
24 concentrations;
- 25 (3) The relationship between homelessness and such factors as hunger,
26 literacy, education, job training, mental and physical health,
27 alcoholism and substance abuse, municipal zoning and economic
28 development, crime, and the delivery or nondelivery of public
29 services;
- 30 (4) Services to homeless persons currently provided by State, non-State,
31 and local agencies, institutions, and other nonprofit organizations, and
32 whether and how such entities cooperate with one another in providing
33 the services;
- 34 (5) Services for the homeless that are not currently provided and which are
35 critical to meeting the needs of homeless persons, and
36 recommendations on how State and non-State entities could cooperate
37 to provide such services;
- 38 (6) Whether services being provided or planned include or should include
39 the following:
 - 40 a. Referrals of homeless persons to other human services offered
41 by State and non-State entities;
 - 42 b. Case management efforts which help keep track of homeless
43 persons and their needs;
 - 44 c. Job training and referral; or

1 d. Efforts to ensure that the children of homeless families are
2 enrolled in and regularly attend public schools; and

3 (7) The overall impact of homelessness on the State, its municipalities,
4 and its citizens.

5 Sec. 3.5. The Commission members shall receive no salary for their services
6 but shall receive subsistence and travel expenses in accordance with the provisions of
7 G.S. 120-3.1, 138-5, and 138-6, as applicable.

8 Sec. 3.6. The Commission may solicit, employ, or contract for professional,
9 technical, or clerical assistance, and may purchase or contract for the materials or
10 services it needs. Subject to the approval of the Legislative Services Commission, the
11 professional and clerical staff of the Legislative Services Office shall be available to the
12 Commission, and the Commission may meet in the Legislative Building or the
13 Legislative Office Building. With the consent of the Secretary of the Department of
14 Human Resources, staff employed by the Department or any of the divisions may be
15 assigned permanently or temporarily to assist the Commission or its staff.

16 Sec. 3.7. Upon request of the Commission or its staff, all State departments
17 and agencies and all local governmental agencies shall furnish the Commission or its
18 staff with any information in their possession or available to them.

19 Sec. 3.8. The Commission shall submit a final written report of its findings
20 and recommendations to the Governor, the Speaker of the House of Representatives,
21 and the President of the Senate before or upon the convening of the 1991 Session of the
22 General Assembly. The Commission shall terminate upon the filing of the report.

23 Sec. 3.9. There is allocated from the funds appropriated to the Legislative
24 Services Commission from the reserve for studies to the Social Services Study
25 Commission for its work the sum of \$25,000 for the 1989-90 fiscal year and the sum of
26 \$20,000 for the 1990-91 fiscal year.

27 **PART IV.—STATE PARKS STUDY COMMISSION**

28 Sec. 4.1. There is created a Study Commission on State Parks and
29 Recreation Areas to be composed of nine members, three Senators to be appointed by
30 the President Pro Tempore of the Senate, three Representatives appointed by the
31 Speaker of the House, and three public members to be appointed by the Governor.
32 Appointments to the Study Commission shall be made within 30 days subsequent to the
33 adjournment of the General Assembly in 1989. The President Pro Tempore of the
34 Senate and the Speaker of the House shall each designate a cochairman from their
35 appointees. Either cochairman may call the first meeting of the Study Commission.

36 Sec. 4.2. The Study Commission is authorized:

- 37 (1) To identify the needs of State Parks and Recreation Areas;
38 (2) To collect and evaluate reports and recommendations of various
39 agencies, councils, and associations relating to State Parks and
40 Recreation Areas;
41 (3) To study the recreation potential of the Randleman Dam area and its
42 possible inclusion in the State Parks System;
43 (4) To review and formulate recommended legislation; and

1 (5) To study any other issues pertinent to the State Parks and Recreation
2 System.

3 Sec. 4.3. Upon approval of the Legislative Services Commission, the
4 Legislative Services Officer shall assign professional and clerical staff to assist in the
5 work of the Commission. Clerical staff shall be furnished to the Commission through
6 the Offices of House and Senate Supervisors of Clerks. The expenses of employment of
7 the clerical staff shall be borne by the Commission. The Commission may meet in the
8 Legislative Building or the Legislative Office Building upon the approval of the
9 Legislative Services Commission. The cochairmen may assign and direct the activities
10 of the employees, subject to the advice of the Study Commission. The Department of
11 Environment, Health, and Natural Resources and any other departments, boards, or
12 associations shall assist the Study Commission and furnish any information or expertise
13 requested.

14 Sec. 4.4. The Study Commission may file an interim report to the General
15 Assembly on or before the convening of the 1990 Session and shall file a final written
16 report of its findings and recommendations with the presiding officer of the House of
17 Representatives and the Senate on or before the convening of the 1991 Session of the
18 General Assembly. The Study Commission shall terminate upon the filing of the final
19 report.

20 Sec. 4.5. Members of the Study Commission shall be paid compensation and
21 per diem and travel expenses in accordance with G.S. 138-5. Members who are
22 legislators shall be reimbursed for travel and subsistence in accordance with G.S. 120-
23 3.1.

24 Sec. 4.6. There is allocated from the funds appropriated to the Legislative
25 Services Commission from the reserve for studies to the State Parks Study Commission
26 for its work the sum of \$20,000 for the 1989-90 fiscal year and the sum of \$20,000 for
27 the 1990-91 fiscal year.

28 PART V.—PUBLIC HEALTH STUDY COMMISSION

29 Sec. 5.1. There is established the Public Health Study Commission, an
30 independent commission, to study public health services in North Carolina and to
31 recommend improvements that will assure that North Carolina has cost-effective,
32 uniform and consistently administered public health services.

33 Sec. 5.2. The Commission shall consist of 21 members. The Speaker of the
34 House of Representatives shall appoint seven members, a minimum of four of whom
35 shall be members of the House of Representatives. The President Pro Tempore of the
36 Senate shall appoint seven members, a minimum of four of whom shall be members of
37 the Senate. The Governor shall appoint seven non-legislative members, as follows: one
38 of whom shall be a recipient of public health services, one of whom shall be a public
39 health direction, one of whom shall be a county commissioner, one of whom shall be an
40 advocate for low-income people who is familiar with public health services in North
41 Carolina, one of whom shall be the Secretary of the Department of Environment,
42 Health, and Natural Resources or a designee thereof, one of whom shall be a physician
43 licensed to practice medicine, and one of whom shall be an individual involved in the
44 administration or funding of public health services.

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

4 Sec. 5.3. The President Pro Tempore of the Senate and the Speaker of the
5 House of Representatives shall each appoint a cochair of the Commission from their
6 appointees. The cochairs shall call the first meeting and preside at alternate meetings.

7 Sec. 5.4. The Public Health Study Commission shall examine the need for
8 improvement in the statewide public health delivery system through local communities
9 and shall develop legislation to address those needs. If legislation is enacted directing
10 the Department of Environment, Health and Natural Resources to develop a Public
11 Health Services Plan, the Department may provide status reports on the development of
12 the Plan to the Commission; upon completion of the Plan, the Department shall submit
13 the Plan to the Commission for the Commission's review.

14 Sec. 5.5. Commission members shall receive subsistence and travel expenses
15 as provided in G.S. 120-3.1, 138-5, and 138-6, as applicable.

16 Sec. 5.6. The Commission may solicit, employ, or contract for professional,
17 technical, or clerical assistance, and may purchase or contract for the materials and
18 services it needs. Subject to the approval of the Legislative Services Commission, the
19 professional and clerical staff of the Legislative Services Office shall be available to the
20 Commission, and the Commission may meet in the Legislative Building or the
21 Legislative Office Building. With the consent of the Secretary of the Department of
22 Environment, Health, and Natural Resources, staff employed by the Department or any
23 of its divisions may be assigned permanently or temporarily to assist the Commission or
24 its staff.

25 Sec. 5.7. Upon request of the Commission or its staff, all State departments
26 and agencies and all local government agencies shall furnish the Commission or its staff
27 with any information in their possession or available to them.

28 Sec. 5.8. The Commission shall submit a final written report of its findings
29 and recommendations to the Governor, the Speaker of the House of Representatives,
30 and the President Pro Tempore of the Senate before or upon the convening of the 1991
31 Session of the General Assembly. The Commission shall terminate upon the filing of
32 the report.

33 Sec. 5.9. There is allocated from the funds appropriated to the Legislative
34 Services Commission from the reserve for studies \$25,000 for fiscal year 1989-90 and
35 \$25,000 for the 1990-91 fiscal year to fund the work of the Commission created by this
36 Part.

37 PART VI.—EDUCATION STUDY COMMISSION

38 Section 6.1. There is established the Education Study Commission. The
39 Commission shall be composed of 16 members, as follows:

- 40 (1) The Superintendent of Public Instruction, or his designee;
- 41 (2) The Chairman of the State Board of Education, or his designee;
- 42 (3) The Chairman of the State Board of Community Colleges, or his
43 designee;
- 44 (4) The President of the Community College System, or his designee;

- 1 (5) The Chairman of the Board of Governors of The University of North
2 Carolina, or his designee;
- 3 (6) The President of The University of North Carolina, or his designee;
- 4 (7) Three members appointed by the Governor;
- 5 (8) Three members appointed by the President Pro Tempore of the Senate;
- 6 (9) Three members appointed by the Speaker of the House of
7 Representatives; and
- 8 (10) One representative of North Carolina Citizens for Business and
9 Industry.

10 Sec. 6.2. The President Pro Tempore of the Senate shall designate one of his
11 appointees as cochairman and the Speaker of the House of Representatives shall
12 designate one of his appointees as cochairman.

13 Sec. 6.3. When a vacancy occurs in the membership of the Commission, the
14 vacancy shall be filled by the same appointing officer who made the initial appointment.
15 All initial appointments shall be made within one calendar month from the effective
16 date of this act. The Commission shall have its initial meeting no later than October 1,
17 1989.

18 Sec. 6.4. The Commission shall:

- 19 (1) Review the capital needs of all public educational institutions
20 including the University System, the Community College System, and
21 the public schools, including the need for repairs and renovations;
- 22 (2) Consider ways the systems could work together to reduce the amount
23 of remediation that is done in the community colleges and the
24 universities.
- 25 (3) Examine the salary schedules for the universities, the community
26 colleges, and the public schools;
- 27 (4) Consider ways the community colleges could assist the public schools
28 with the dropout problem;
- 29 (5) Examine current cooperative programs among the systems and
30 consider ways to enhance concurrent enrollment programs;
- 31 (6) Consider ways to improve the joint use of facilities, equipment, and
32 faculty;
- 33 (7) Consider ways the systems could work jointly to increase the number
34 of high school graduates who continue on to either system of higher
35 education;
- 36 (8) Consider ways to more closely articulate the curriculums, especially in
37 the technical and vocational areas, of the public schools and the
38 community colleges;
- 39 (9) Recommend both short range and long range funding solutions for the
40 issues it studies;
- 41 (10) Study whether North Carolina could make better use of its buildings
42 and equipment by (a) using the public school bus fleet for other
43 education transportation needs such as community colleges; and (b)

1 using the school buildings during the summer months by extending the
2 school year beyond the present nine-month term;

3 (11) Study the impact of kindergarten education on subsequent school
4 performance; and

5 (12) Study the problems of drug trafficking and drug use within the public
6 school system.

7 Sec. 6.5. The Commission shall submit a final report of its findings and
8 recommendations to the General Assembly on or before the first day of the 1991
9 Session of the General Assembly by filing the report with the President Pro Tempore of
10 the Senate and the Speaker of the House of Representatives. Upon filing its final report,
11 the Commission shall terminate.

12 Sec. 6.6. The Commission may meet at any time upon the joint call of the
13 cochairmen. The Commission, with the approval of the Legislative Services
14 Commission, may meet in the Legislative Building or the Legislative Office Building.

15 Sec. 6.7. Members of the Commission who are legislators shall receive
16 subsistence and travel expenses at the rates set forth in G.S. 120-3.1. Members of the
17 Commission who are officials or employees of the State shall receive travel allowances
18 at the rate set forth in G.S. 138-6. Other members of the Commission shall be paid per
19 diem and allowances at the rates set forth in G.S. 138-5.

20 Sec. 6.8. The Commission may contract for professional, clerical, or
21 consultant services as provided by G.S. 120-32.02. The Legislative Services
22 Commission, through the Legislative Administrative Officer, shall assign professional
23 staff to assist in the work of the Commission. The House of Representatives' and the
24 Senate's Supervisor of Clerks shall assign clerical staff to the Commission upon the
25 direction of the Legislative Services Commission. The expenses relating to clerical
26 employees shall be borne by the Commission.

27 Sec. 6.9. All State departments and agencies and local governments and their
28 subdivisions shall furnish the Commission with any information in their possession or
29 available to them.

30 Sec. 6.10. There is allocated from the funds appropriated to the Legislative
31 Services Commission from the reserve for studies to the Education Study Commission
32 \$50,000 for the 1989-90 fiscal year, and \$25,000 for the 1990-91 fiscal year.

33 PART VII.—ENERGY ASSURANCE STUDY COMMISSION

34 Sec. 7.1. (a) The North Carolina Energy Assurance Study Commission is
35 created. The Commission shall consist of 19 members. The Chairman of the Utilities
36 Commission, the Director of the Public Staff of the Utilities Commission, the Director
37 of the N.C. Rural Electrification Authority, the Secretary of the Department of Human
38 Resources, and the Director of the Energy Division of the Department of Economic and
39 Community Development shall serve ex officio. The President Pro Tempore of the
40 Senate shall appoint seven members as follows: two members of the Senate, one
41 representative from the electric utility industry regulated by the Utilities Commission,
42 one representative from an electric membership corporation in North Carolina, one
43 representative of the unregulated fuels industry, one representative of a private agency
44 that delivers energy assistance benefits to low-income people, and one low-income

1 utilities consumer advocate. The Speaker of the House of Representatives shall appoint
2 seven members as follows: two members of the House of Representatives, one
3 representative from Electricities of North Carolina, one director of a county department
4 of social services, one representative of the natural gas industry regulated by the
5 Utilities Commission, one representative of the Community Action Program agencies,
6 and one low-income person.

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

14 Sec. 7.2. (a) The Commission shall investigate the feasibility of establishing an
15 Energy Assurance Plan in North Carolina to accomplish the following objectives:

- 16 (1) Aid low-income people in maintaining reasonable and safe levels of
17 heat in their homes;
- 18 (2) Reduce the number of involuntary terminations of energy to low-
19 income households in the State; and
- 20 (3) Direct federal, State, local, and private efforts in weatherizing homes
21 to those which have the most significant needs.

22 (b) In investigating the feasibility of such a plan, the Commission shall:

- 23 (1) Document, to the extent possible, the scope of current problems facing
24 low-income people in dealing with their energy burdens;
- 25 (2) Determine, through a study of the administration of the Low Income
26 Energy Assistance Program funds in North Carolina, a method by
27 which these funds could be better targeted to address the energy needs
28 of low-income people;
- 29 (3) Determine the cost of establishing an Energy Assurance Plan in North
30 Carolina;
- 31 (4) Investigate sources of revenue to fund an Energy Assurance Plan; and
- 32 (5) Recommend an Energy Assurance Plan that will accomplish the stated
33 objectives through the use of existing federal, State, local, and private
34 funds or alternative sources of revenue.

35 Sec. 7.3. The initial meeting of the Commission shall be called by the
36 cochairs. Subsequent meetings shall be held upon the call of a cochair or upon the
37 written request of five members.

38 Sec. 7.4. The Commission may file an interim report on or before June 1,
39 1990, and shall file its final report by February 1, 1991, with the President Pro Tempore
40 of the Senate and the Speaker of the House of Representatives. The report shall
41 summarize the information obtained in the course of the Commission's inquiry, set forth
42 its findings and conclusions, and recommend administrative actions or legislative
43 actions that may be necessary to implement the Energy Assurance Plan. If legislation is
44 recommended, the Commission shall prepare and submit with its report appropriate

1 bills. Upon termination of the Commission, the cochairs shall transmit to the
2 Legislative Library for preservation the records and papers of the Commission. The
3 Commission shall terminate upon the filing of its report.

4 Sec. 7.5. Upon approval of the Legislative Services Commission, the
5 Legislative Services Officer shall assign professional and clerical staff to assist in the
6 work of the Commission. Clerical staff shall be furnished to the Commission through
7 the Offices of House and Senate Supervisors of Clerks. The expenses of employment of
8 the clerical staff shall be borne by the Commission. The Commission may meet in the
9 Legislative Building or the Legislative Office Building upon the approval of the
10 Legislative Services Commission. The Energy Assurance Commission, subject to the
11 provisions of G.S. 120-32.02(b), may enter into contracts for the provision of technical
12 assistance, statistical analysis, evaluation of pilot projects, and other services it finds
13 necessary for the performance of its responsibilities under this Part.

14 Sec. 7.6. Members of the Commission who are also members of the General
15 Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-
16 3.1. Members of the Commission who are officials or employees of the State shall
17 receive travel allowances at the rate set forth in G.S. 138-6. All other members of the
18 Commission shall be paid the per diem and allowances set forth in G.S. 138-5.

19 Sec. 7.7. There is transferred from the funds appropriated to the Legislative
20 Services Commission from the reserve for studies to the Commission created by this
21 Part the sum of \$10,000 for the 1989-1990 fiscal year to prepare and submit a plan of
22 study to obtain the requisite federal approval for the spending of monies specifically
23 appropriated for the work of the Energy Assurance Study Commission. Funds
24 specifically appropriated to the Department of Economic and Community Development
25 to be allocated to the Energy Assurance Study Commission are hereby transferred to the
26 General Assembly for the work of the Commission. Notwithstanding any other
27 provision of law and except for the specific transfer from the reserve for studies
28 contained in this section, only funds specifically appropriated to the Department of
29 Economic and Community Development for the Energy Assurance Study Commission
30 may be expended for the work of the Commission. Unexpended funds shall revert to
31 the Special Reserve for Oil Overcharge Funds.

32 PART VIII.—MENTAL HEALTH STUDY COMMISSION

33 Sec. 8.1. The Mental Health Study Commission, established and structured
34 by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter
35 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session
36 Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter
37 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; and Chapter 873, 1987
38 Session Laws; is revived and authorized to continue in existence until July 1, 1991.

39 Sec. 8.2. Section 2 of Resolution 80, Session Laws of 1973, as amended by
40 Chapter 806, Session Laws of 1973, Section 2 of Chapter 184, Session Laws of 1977,
41 and as rewritten by Section 10.1 of Chapter 792 of the 1985 Session Laws, reads as
42 rewritten:

43 "Sec. 2. Appointment of Members. The Commission shall consist of 24 members.
44 The Speaker of the House shall appoint eight members at least six of whom at the time

1 of their appointment are members of the House, and one of those six shall be Chairman
2 of the Mental Health Committee of the House of Representatives. The President Pro
3 Tempore of the Senate shall appoint eight members at least six of whom at the time of
4 their appointment are members of the Senate, and one of those six shall be Chairman of
5 the Senate Human Resources Committee. The Governor shall appoint eight members,
6 two of whom at the time of their appointment shall be county commissioners taken from
7 a list of four candidates nominated by the North Carolina Association of County
8 Commissioners. If that Association fails to make nominations by September 1,
9 ~~1985~~1989, the Governor may appoint any two county commissioners."

10 Sec. 8.3. The first sentence of Section 3 of Resolution 80, Session Laws of
11 1973, as the same was rewritten by Section 10.2 of Chapter 792 of the 1985 Session
12 Laws and is contained therein, is rewritten to read:

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

15 Sec. 8.4. The continued Mental Health Study Commission shall have all the
16 powers and duties of the original Study Commission as are necessary to continue the
17 original study, to assist in the implementation of the original and succeeding Study
18 Commission recommendations and to plan further activity on the subject of the study.

19 Sec. 8.5. Members and staff of the continued Mental Health Study
20 Commission shall receive compensation and expenses as under the original
21 authorization in the 1973 General Assembly Resolution 80. Expenses of the
22 Commission shall be expended by the Department of Human Resources from Budget
23 Code 14460 subhead 1110.

24 Sec. 8.6. In addition to other studies authorized by law, the Mental Health
25 Study Commission shall:

- 26 (1) Have oversight, and review and make recommendations regarding the
27 implementation of the Comprehensive Long Range Plan for Adults
28 with Severe and Persistent Mental Illness;
- 29 (2) Have oversight, and review and make recommendations regarding
30 pioneer testing of funding policies;
- 31 (3) Continue the study of insurance coverage for mental illness and
32 chemical dependency;
- 33 (4) Continue the study of mental health services in the criminal justice
34 system, particularly in North Carolina jails; and
- 35 (5) Examine the needs of adult citizens suffering from substance abuse
36 and develop a comprehensive plan to provide a continuum of care to
37 respond to those needs.

38 Sec. 8.7. There is appropriated from the General Fund to the Department of
39 Human Resources for the 1989-90 fiscal year the sum of twenty thousand dollars
40 (\$20,000) for the use of the Commission in the study of insurance coverage for mental
41 illness and chemical dependency.

42 PART IX.—STATE INFRASTRUCTURE NEEDS STUDY COMMISSION

43 Sec. 9.1. The State Infrastructure Needs and Financing Study Commission is
44 created. The Commission shall:

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

29 Sec. 9.2. The Commission shall consist of 16 members to be appointed as
30 follows:

- 31 (1) Four members of the Senate appointed by the President Pro Tempore
32 of the Senate, one of whom shall be designated cochair;
- 33 (2) Four public members appointed by the President Pro Tempore of the
34 Senate, one of whom shall be an elected city government official, one
35 of whom shall be from the land use planning department or agency of
36 a city, and two of whom shall be persons who are involved with or
37 have had extensive experience in land development;
- 38 (3) Four members of the House of Representatives appointed by the
39 Speaker of the House of Representatives, one of whom shall be
40 designated cochair; and
- 41 (4) Four public members appointed by the Speaker of the House of
42 Representatives, one of whom shall be an elected county government
43 official, one of whom shall be from the land use planning department
44 or agency of a county, and two of whom shall be persons who are

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

3 Sec. 9.3. Members appointed to the Commission shall serve until the
4 Commission makes its final report. Vacancies on the Commission shall be filled in the
5 same manner as the original appointments were made.

6 Sec. 9.4. Upon request of the Commission or its staff, all State departments
7 and agencies and all local government departments and agencies shall furnish to the
8 Commission or its staff any information in their possession or available to them.

9 Sec. 9.5. The Commission may submit an interim report of its findings and
10 recommendations and the status of its review and analyses to the General Assembly on
11 or before the first day of the 1990 Regular Session of the 1989 General Assembly. The
12 Commission shall submit the final report of its findings and recommendations to the
13 General Assembly on or before January 15, 1991. All reports shall be submitted by
14 filing the report with the Speaker of the House of Representatives and the President Pro
15 Tempore of the Senate. The Commission shall terminate upon filing its final report.

16 Sec. 9.6. The Commission shall meet upon the call of the cochairs.

17 Sec. 9.7. Upon approval of the Legislative Services Commission, the
18 Legislative Services Officer shall assign professional and clerical staff to assist in the
19 work of the Commission. Clerical staff shall be furnished to the Commission through
20 the Offices of House and Senate Supervisors of Clerks. The expenses of employment of
21 the clerical staff shall be borne by the Commission. The Commission may meet in the
22 Legislative Building or the Legislative Office Building upon the approval of the
23 Legislative Services Commission.

24 Sec. 9.8. Members of the Commission shall be paid per diem, subsistence,
25 and travel allowances as follows:

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

31 Sec. 9.9. There is allocated from the funds appropriated to the Legislative
32 Services Commission from the reserve for studies to the State Infrastructure Needs
33 Study Commission for its work the sum of \$30,000 for the 1989-1990 fiscal year and
34 the sum of \$25,000 for the 1990-1991 fiscal year.

35 PART X.—MEDICAL MALPRACTICE CLAIMS ARBITRATION STUDY
36 COMMISSION

37 Sec. 10.1. The Medical Malpractice Arbitration Study Commission is hereby
38 created. The Commission shall consist of 13 members who shall be appointed as
39 follows:

- 40 (1) Five members appointed by the Speaker of the House of
41 Representatives as follows:
42 a. Three persons who are members of the House of
43 Representatives at the time of their appointment, one of whom
44 shall be a licensed attorney regularly representing plaintiffs or a

- 1 member of a firm that regularly represents plaintiffs, and one of
2 whom shall be a licensed attorney regularly representing
3 defendants or a member of a firm that regularly represents
4 defendants;
- 5 b. One physician licensed to practice medicine in North Carolina;
6 and
- 7 c. One at-large member representing the general public;
- 8 (2) Five members appointed by the President Pro Tempore of the Senate
9 as follows:
- 10 a. Three persons who are members of the Senate at the time of
11 their appointment, one of whom shall be a licensed attorney
12 regularly representing plaintiffs or a member of a firm which
13 regularly represents plaintiffs, and one of whom shall be a
14 licensed attorney regularly representing defendants or a member
15 of a firm which regularly represents defendants;
- 16 b. One physician licensed to practice medicine in North Carolina;
17 and
- 18 c. One at-large member representing the general public;
- 19 (3) The Chief Justice of the Supreme Court of North Carolina or his
20 designee;
- 21 (4) The Chief Judge of the North Carolina Court of Appeals or his
22 designee; and
- 23 (5) The Attorney General of North Carolina or his designee.

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

27 Sec. 10.2. The President Pro Tempore of the Senate shall designate one
28 Senator as cochairman, and the Speaker of the House of Representatives shall designate
29 one member of the House of Representatives as cochairman. The cochairman shall
30 jointly call the first meeting.

31 Sec. 10.3. The Commission shall study the use of court-annexed arbitration
32 in medical malpractice actions, as described in G.S. 90-21.12, and as a part of its study,
33 the Commission may also consider studies by the American Medical Association, the
34 North Carolina Bar Association Dispute Resolution Committee, and the Duke
35 University Private Adjudication Center, regarding alternate forms of dispute resolution
36 in mediation, conciliation, and other forms of alternate dispute resolution, which might
37 lead to a more expeditious and more economical determination of issues arising in a
38 medical malpractice action than the present system of discovery and jury trial, which
39 has been found to be very time consuming and expensive. The Commission is
40 specifically empowered to study arbitration and other alternate dispute resolution forms
41 which have been implemented or are being considered for implementation in other
42 states of the United States.

43 Sec. 10.4. The Commission shall submit a final report of its findings and
44 recommendations to the General Assembly on or before the first day of the 1991

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

7 Sec. 10.5. The Commission may meet at any time upon the joint call of the
8 cochairmen. The Commission, with the approval of the Legislative Services
9 Commission, may meet in the Legislative Building or the Legislative Office Building.

10 Sec. 10.6. The Commission may contract for professional, clerical, or
11 consultant services as provided by G.S. 120-32.02. The Legislative Services
12 Commission, through the Legislative Administrative Officer, may assign professional
13 staff to assist in the work of the Commission. The House of Representatives' and the
14 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the
15 direction of the Legislative Services Commission. The expenses relating to clerical
16 employees shall be borne by the Commission.

17 Sec. 10.7. All State departments and agencies shall furnish the Commission
18 with any information in their possession or available to them.

19 Sec. 10.8. The Commission shall have all powers necessary or convenient to
20 carry out the purposes and provisions of this act, including, but not limited to, the power
21 to receive and accept grants or funds from any public or private agency for, or in the aid
22 of, the purposes of this section, and to receive or accept contributions, from any source,
23 of money, or labor, to be held, used, and applied for the purposes of this act. Any grants
24 or contributions received shall be held by the Legislative Services Commission and
25 these monies received shall be used prior to the use of any available State funds. If
26 grants or contributions are received thereafter, they shall be retained by the Legislative
27 Services Commission in amount equal to State funds already expended.

28 Sec. 10.9. There is allocated from the funds appropriated to the Legislative
29 Services Commission from the reserve for studies to the Commission created by this
30 Part for its work the sum of \$25,000 for the 1989-1990 fiscal year and the sum of
31 \$25,000 for the 1990-1991 fiscal year.

32 PART XI.—PROPERTY TAX STUDY COMMISSION

33 Sec. 11.1. There is established a Property Tax Study Commission. The
34 Commission shall consist of 16 members who are legislators at the time of their
35 appointment and six other members as provided below. The President Pro Tempore of
36 the Senate shall appoint eight members of the Senate, and the Speaker of the House
37 shall appoint eight members of the House of Representatives to serve on the
38 Commission. To aid the Commission in its study of the property tax system, six
39 additional members shall be appointed as follows: the Speaker of the House shall
40 appoint three members, one of whom is a county commissioner, one a county tax
41 official, and one a citizen representing the public at large; and the President Pro
42 Tempore of the Senate shall appoint three members, one of whom is a county
43 commissioner, one an elected municipal official, and one a citizen representing the
44 public at large. All appointments shall be made in time for the Commission to begin its

1 work by October 1, 1989. The Speaker and President Pro Tempore of the Senate shall
2 jointly call the first meeting to be held on a date no later than October 1, 1989.

3 Sec. 11.2. The President Pro Tempore of the Senate and the Speaker of the
4 House of Representatives shall each designate one of the legislative members appointed
5 by them as cochairman. Original members appointed shall serve until the Commission
6 makes its final report. Vacancies on the Commission shall be filled in the same manner
7 as the original appointments were made.

8 Sec. 11.3. The Commission shall make a detailed and comprehensive study
9 of the efficiency, effectiveness, and fairness of the property tax system in North
10 Carolina. The Commission shall examine all classes of property comprising the
11 property tax base; all exemptions, exclusions, and preferential classifications; and the
12 valuation of public service company property to determine whether the property tax
13 system is just and equitable in taxing the citizens of the State. The Commission shall
14 review current procedures for listing and collecting taxes on personal and real property
15 to determine how to increase the efficiency and equity of these procedures. The
16 Commission shall examine the octennial revaluation system and evaluate the feasibility
17 of any programs that would aid the counties in conducting more frequent revaluations.

18 Sec. 11.4. On or before March 1, 1989, the Commission shall submit a final
19 written report of its recommendations to the General Assembly by filing the report with
20 the Speaker of the House and President of the Senate. If legislation is recommended,
21 the Commission shall submit appropriate bills with its report. The Commission shall
22 terminate upon filing its final report.

23 Sec. 11.5. The Commission shall consult with tax officials in State and local
24 government. With the prior approval of the Legislative Services Commission, the
25 Commission may obtain clerical and professional assistance from the Legislative
26 Services Office. The Commission may also obtain assistance from the Department of
27 Revenue.

28 Sec. 11.6. With the prior approval of the Legislative Services Commission,
29 the Commission shall meet in the State Legislative Building or in the Legislative Office
30 Building.

31 Sec. 11.7. Commission members who are legislators shall be paid
32 subsistence and travel allowances at the rates established for members of the General
33 Assembly in G.S. 120-3.1. Other Commission members shall be paid subsistence and
34 travel allowances at the rates established in G.S. 138-5.

35 Sec. 11.8. The expenses of the Commission shall be paid from funds
36 collected by the Department of Revenue under Article 7, Chapter 105 of the General
37 Statutes. The funds expended shall be deducted as in G.S. 105-213(a) for the costs of
38 administering the intangibles tax. Commission expenses shall be limited to a maximum
39 of seventy-five thousand dollars (\$75,000).

40 PART XII.—EFFECTIVE DATE

41 Sec. 12.1. This act is effective on July 1, 1989.