

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1020*

Appropriations Committee Substitute With Amendments Adopted 7/15/92

Short Title: Studies of 1992.

(Public)

Sponsors:

Referred to:

May 28, 1992

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

6 The General Assembly of North Carolina enacts:

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8 PART I.—TITLE

9 Section 1. This act shall be known as "The Studies Act of 1992."

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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.

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18 PART II.—LEGISLATIVE RESEARCH COMMISSION

19 Sec. 2.1. The Legislative Research Commission may study the topics listed
20 below. Listed with each topic is the bill or resolution from the 1991 Session of the
21 General Assembly that originally proposed the issue or study and the name of the
22 sponsor. The Commission may consider the original bill or resolution in determining
23 the nature, scope, and aspects of the study. The topics are:

- 24 (1) Establishment of a Chiropractic College in North Carolina (S.B. 1174 -
25 Conder, H.B. 1645 - Colton);
- 26 (2) Treatment of Adult and Minor Sex Offenders (S.B. 1236 - Martin of
27 Guilford);
- 28 (3) Medicaid (S.B. 1185 - Walker, H.B. 1523 - Nye); and
- 29 (4) Cancer Control Issues (S.B. 1166 - Daniel, H.B. 1617 - Jeralds).

30 Sec. 2.2. Cultural and Natural Heritage Study (Basnight). The Legislative
31 Research Commission may study the maintenance and development needs of cultural
32 and natural resources. If the study is undertaken, the Commission may investigate:

- 33 (1) Issues related to the land acquisition, facility maintenance, and facility
34 development of State historic sites, parks, gamelands, natural areas,
35 estuarine sanctuaries, beach and estuarine access areas, and public
36 access to public waters areas.
- 37 (2) Incentives for private landowners and private nonprofit organizations
38 to protect cultural and natural resources.
- 39 (3) Sources of revenue to fund State efforts to acquire, maintain, and
40 develop cultural and natural resources.
- 41 (4) Any related issues the Commission considers appropriate.

42 Sec. 2.3. LRC Study Committee on Bridging Environmental Science and
43 Technology with Public Policy Decisionmaking (Ward; Woodard). The Legislative
44 Research Commission Study Committee on Bridging Environmental Science and

1 Technology with Public Policy Decisionmaking may continue its study authorized by
2 Section 2.1(32) of Chapter 754 of the 1991 Session Laws and may consider whether a
3 "Center for Environmental Research and Policy" or similar agency should be
4 established. If the study is undertaken, the North Carolina Board of Science and
5 Technology shall assist the study committee with its work.

6 Sec. 2.4. Alternative Medical Practices Study (Perdue). The Legislative
7 Research Commission may study the issue of citizen access to alternative medical
8 practices. The study may include, but is not limited to, the following matters:

- 9 (1) Recommendations for a State policy on citizen access to alternative
10 practices;
- 11 (2) Regulation of alternative medical practices in other states;
- 12 (3) Criteria for evaluating nonprevailing medical practices that are
13 comparable to those applied to prevailing medical practices;
- 14 (4) Comparison of the powers of the North Carolina Board of Medical
15 Examiners with the powers of similar boards in other states regarding
16 nonprevailing medical practices; and
- 17 (5) The existence and effectiveness of national certification boards of
18 nonprevailing medical practices in the protection of the public's health.

19 Sec. 2.5. LRC Study Committee on Health Systems Issues (S.B. 1108 -
20 Forrester, H.B. 1564 - R. Hunter). The Legislative Research Commission Study
21 Committee on Health Systems Issues may continue its study authorized by Sections
22 2.1(11) and 2.1(63) of Chapter 754 of the 1991 Session Laws and may study the issues
23 involved with the critical shortage of primary care physicians and the impact of this
24 shortage on the access to health care. In conducting its study and making its
25 recommendations, the Committee may consider:

- 26 (1) The shortage of primary care physicians.
- 27 (2) The impact of the primary care physician shortage on the health care
28 delivery system, particularly in the rural and underserved areas of the
29 State.
- 30 (3) The recommendations of the Joint Report of The North Carolina
31 Academy of Family Physicians, The Pediatric Society, and The
32 Society of Internal Medicine entitled: "The Crisis in Access to Health
33 Care."
- 34 (4) The actions taken by other states who have faced similar problems
35 attracting generalist physicians which could be implemented in North
36 Carolina.
- 37 (5) Programs and strategies for medical education that the State could
38 implement on a short-term basis and a long-term basis.
- 39 (6) Recommendations for legislative policy and actions that would be
40 implemented or enacted to address the shortage.

41 For the purposes of this study, the term "primary care" means the practice of general
42 family medicine, general internal medicine, or general pediatric medicine.

43 Sec. 2.6. Public Access to Information. The Legislative Research
44 Commission may study issues relating to the balancing of the public's right to know

1 about the conduct of government with the individual citizen's right to privacy. The
2 study may include, but is not limited to:

- 3 (1) The development of a:
 - 4 a. Strategic plan for transmitting, storing, using, and retrieving
5 public information;
 - 6 b. Fair Information Practices Act that offers all citizens personal
7 data protection in both public and private sectors while allowing
8 public access to public information and private use of personal
9 information; and
 - 10 c. Right to Privacy Act that combines those sections of the
11 General Statutes presently protecting privacy and protections
12 presently believed contained in the common law.
- 13 (2) The establishment of a "Fair Information Practices Commission" that
14 has:
 - 15 a. An administrative law function of adjudicating unclear cases of
16 what is public and what is confidential information; and
 - 17 b. An advisory function to provide interpretive guidance for fair
18 information practices.

19 The study may include the issues raised in the "North Carolina Technological
20 Information Study" presented to Governor Martin in June 1992.

21 Sec. 2.7. LRC Study Committee on Revenue Laws. The Legislative
22 Research Commission Study Committee on Revenue Laws may continue its study
23 authorized by Section 2.1(1) of Chapter 754 of the 1991 Session Laws and may study
24 the issue of the decrease in consumption of special fuels and the higher fuel tax rate as
25 compared to surrounding states.

26 Sec. 2.8. Medical Cost Containment (Kaplan). The Legislative Research
27 Commission may study issues relating to medical cost containment. The study, if
28 authorized, may include a review of the reports and recommendations of the Legislative
29 Commission on Medical Cost Containment that were made to the General Assembly in
30 1978 and 1985.

31 Sec. 2.9. Committee Membership. For each Legislative Research
32 Commission committee created during the 1991-93 biennium, the cochairs of the
33 Commission shall appoint the committee membership.

34 Sec. 2.10. Reporting Dates. For each of the topics the Legislative Research
35 Commission decides to study under this act or under G.S. 120-30.17(1), the
36 Commission may report its findings, together with any recommended legislation, to the
37 1993 General Assembly.

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

41
42 PART III.—JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO
43 STUDY NONRESIDENT TUITION AND STUDENTS' WORK HOURS

44 (S.B. 1139 - Warren, H.B. 1360 - Barnes)

1 Sec. 3.1. Nonresident Tuition Study (S.B. 1139 - Warren, H.B. 1360 -
2 Barnes). In addition to its other authorized studies, the Joint Legislative Education
3 Oversight Committee shall study the issue of requiring out-of-state students who attend
4 public schools in North Carolina to pay the full cost of their education. The Committee
5 shall report the results of its study to the 1993 General Assembly.

6 Sec. 3.2. Students' Work Hours Study (Warren, H.B. 628 - Bowman). In
7 addition to its other authorized studies, the Joint Legislative Education Oversight
8 Committee shall study the issue of limiting the number of hours that youths enrolled in
9 school are allowed to work. The Committee shall report the results of its study to the
10 1993 General Assembly.

11 Sec. 3.3. Teacher Leave (H.B. 334 - Bowman). In addition to its other
12 authorized studies, the Joint Legislative Education Oversight Committee shall study
13 annual vacation leave for teachers. In particular, the Committee shall study (i) whether
14 the number of days of accumulated leave that are carried over to the next year should be
15 increased, and (ii) whether the maximum number of hours for which a teacher is paid a
16 lump sum for accumulated annual leave when the teacher is separated from service due
17 to resignation, dismissal, reduction in force, death, or service retirement should be
18 increased. The Committee shall report its findings and recommendations to the 1993
19 General Assembly upon its convening.

20 Sec. 3.4. Section 2.1(61) of Chapter 754 of the 1991 Session Laws (First
21 Session, 1991) is repealed.

22 23 PART IV.—TEACHER TRAINING TASK FORCE

24 (S.B. 1027 - Warren, H.B. 1357 - Barnes)

25 Sec. 4.1. There is established a new Teacher Training Task Force to review
26 the progress that has been made to implement the 39 objectives of the original Task
27 Force and to study additional issues of legislative concern. The new Task Force shall
28 study both preservice and ongoing professional development of teachers.

29 Sec. 4.2. The Task Force shall consist of 20 members as follows:

- 30 (1) The President Pro Tempore of the Senate and the Speaker of the House
31 of Representatives shall each appoint one member of the Joint
32 Legislative Education Oversight Committee to serve on the Task
33 Force.
- 34 (2) The Superintendent of Public Instruction, or a designee.
- 35 (3) The nine members of the Joint Committee on Teacher Education of the
36 Board of Governors of The University of North Carolina and the State
37 Board of Education.
- 38 (4) The Board of Governors of The University of North Carolina and the
39 State Board of Education shall jointly appoint eight members from a
40 list of recommended members to be suggested by the Joint Committee
41 on Teacher Education of the Board of Governors of The University of
42 North Carolina and the State Board of Education. Members may be
43 recommended from among representatives of practicing public school
44 teachers and personnel; public school administrators; the deans of

1 schools of education; the chancellors of the constituent institutions of
2 The University of North Carolina; and the chief officers of private
3 institutions of higher education. Other qualified persons may be
4 recommended by the Joint Committee and approved by the Boards.
5 Task Force members shall receive per diem, subsistence, and travel
6 allowances in accordance with G.S. 138-5, 138-6, or 120-3.1, as
7 appropriate. Appointments to the Task Force shall be made no later
8 than September 1, 1992. If a vacancy occurs in the membership, the
9 appointing authority shall appoint another person to serve for the
10 balance of the unexpired term.

11 Sec. 4.3. The Task Force shall study and make recommendations to improve
12 the professional development of teachers. As a basis for its recommendations, the Task
13 Force shall:

- 14 (1) Review the progress made toward implementing the 39 objectives
15 outlined in the original Task Force report, The Education of North
16 Carolina's Teachers, and in particular, evaluate the impact of the
17 second major requirement.
- 18 (2) Study State and local professional development programs,
19 and identify programs that:
 - 20 a. Prepare teachers to work successfully with State initiatives
21 including site-based management, outcome-based education,
22 and the State testing program;
 - 23 b. Tie State education initiatives to individual school
24 improvement;
 - 25 c. Build strong professional ties between teachers and other
26 educators; and
 - 27 d. Are rigorous and result in improved student learning.
- 28 (3) Identify methods to encourage collaboration between university
29 schools of education and local school administrative units.
- 30 (4) Evaluate the impact of the North Carolina Center for the Advancement
31 of Teaching on professional development, assess the rigor,
32 professionalism, and quality of the programs offered at the Center, and
33 assess whether the programs offered prepare teachers to work
34 successfully with State initiatives.
- 35 (5) Study the components of the Teaching Fellows Program to discover
36 which of its elements could be part of the education program for all
37 preservice teachers, including recruitment methods that encourage
38 talented persons from diverse backgrounds to become teachers.
- 39 (6) Identify and encourage professional development programs,
40 particularly within the schools of education, that prepare teachers to
41 examine their own biases concerning cultural diversity, socioeconomic
42 differences, and gender. Teachers should be prepared to teach and
43 meet the needs of all students and to accept differences among
44 students.

- 1 (7) Evaluate the quality, number, cost, and appropriateness of the degree
2 programs in special education and related fields and the approved
3 programs leading to certification in teaching exceptional children that
4 are offered by the higher education institutions in the State, determine
5 whether these programs produce sufficient numbers of potential
6 certificated special education teachers to meet the special education
7 needs of the identified population of children with special needs,
8 determine whether appropriately trained special education teachers are
9 employed by the local school administrative units and the State and
10 local governmental agencies that are required to provide appropriate
11 special education services, and assess whether new programs should
12 be offered by the higher education institutions, or current programs
13 consolidated within the higher education institutions, or both.

14 Sec. 4.4. The State Board of Education and the Board of Governors of The
15 University of North Carolina shall each appoint a cochair from the nine members of the
16 Joint Committee on Teacher Education of the Board of Governors of The University of
17 North Carolina and the State Board of Education. The Task Force shall meet upon the
18 call of the cochairs.

19 Sec. 4.5. The General Administration of The University of North Carolina
20 shall provide meeting rooms, telephone, office space, equipment, and supplies to the
21 Task Force without charge. The Board of Governors of The University of North
22 Carolina and the State Board of Education may loan the services of persons to fill
23 professional and clerical staff positions for the Task Force.

24 Sec. 4.6. The Task Force shall make an interim report of its findings and
25 recommendations to the Joint Legislative Education Oversight Committee by February
26 15, 1993, and a final report to the Joint Legislative Education Oversight Committee by
27 April 1, 1994. Upon the filing of the final report, the Task Force shall terminate.

28 The recommendations in the interim report shall include a proposed plan for
29 continued funding of existing activities. The final report shall include recommendations
30 that can be phased in over three fiscal bienniums.

31 Sec. 4.7. Upon the request of the Task Force, all State departments and
32 agencies, all local governments and their subdivisions, and all institutions approved to
33 train teachers shall furnish the Task Force with any information in their possession or
34 available to them.

35
36 PART V.—COMMISSION ON THE FAMILY

37 (H.B. 1381 - Easterling)

38 Sec. 5.1. The Commission on the Family, as established in G.S. 120-70.70,
39 shall study State government policy and programs affecting child care issues. In
40 conducting its study, the Commission shall consider the issues raised in House Bill 1381
41 of the 1991 General Assembly (Regular Session 1992). The Commission shall report its
42 findings and recommendations to the General Assembly no later than February 1 of
43 each odd-numbered year and June 1 of each even-numbered year.

44

1 PART VI.—INTERAGENCY TASK FORCE ON STATE AGENCY OVERSIGHT
2 OF WORKPLACE SAFETY AND HEALTH

3 (S.B. 984 - Plyler, H.B. 1395 - Fitch)

4 Sec. 6.1. There is hereby established the Interagency Task Force on State
5 Agency Oversight of Workplace Safety and Health. The Task Force shall study the
6 regulatory responsibilities of State and local governmental agencies involved with
7 workplace safety and health and fire safety. The Task Force shall consist of the
8 following 10 members:

- 9 (1) The Commissioner of Labor, who shall also chair the Task Force;
- 10 (2) The Commissioner of Insurance or a designee;
- 11 (3) The Secretary of the Department of Environment, Health, and Natural
12 Resources or a designee;
- 13 (4) The Chairman of the Industrial Commission or a designee;
- 14 (5) The Chairman of the Public Utilities Commission or a designee;
- 15 (6) The Secretary of the Department of Transportation or a designee;
- 16 (7) The Chairman of the State Personnel Commission or a designee;
- 17 (8) A community college representative appointed by the President of the
18 North Carolina System of Community Colleges; and
- 19 (9) Two local officials, one selected by the North Carolina League of
20 Municipalities and the other selected by the North Carolina
21 Association of County Commissioners.

22 Persons designated to be members of the Task Force must be so designated by August
23 1, 1992, and shall serve until the issuance of the final report. Members of the Task
24 Force shall serve without compensation.

25 Sec. 6.2. The Task Force shall submit a written report to the LRC Study
26 Committee on Fire and Occupational Safety at Industrial and Commercial Facilities no
27 later than October 1, 1992. The report shall recommend a proposed reorganization of
28 the occupational health and safety and fire safety network within State and local
29 government to better address the needs of employers and employees in this State.

30 The proposed reorganization should accomplish the following goals:

- 31 (1) Be as consolidated and coordinated as possible with clear areas of
32 responsibility and clear lines of authority;
- 33 (2) Be devoid of duplication;
- 34 (3) Be devoid of political or special interest influence;
- 35 (4) Be able to respond quickly, efficiently, and effectively to reports of
36 unsafe conditions and to emergencies;
- 37 (5) Clarify the role of local government in fire and safety protection in the
38 workplaces in their jurisdictions;
- 39 (6) Fully utilize the community colleges in training inspectors and offering
40 programs for safety committees and businesses that seek to improve
41 worker safety;
- 42 (7) Consider contracting with local fire agencies for inspections before
43 adding more people to the State payroll;

1 (8) Develop an educational component that will include the creation and
2 distribution of educational materials regarding workplace safety laws
3 and duties of employers and rights of workers, including brochures,
4 fliers, posters, public service spots for radio and television, newspaper
5 and magazine articles; and

6 (9) Include proposals for establishing supplementary inspection programs
7 in addition to those authorized under the Occupational Safety and
8 Health Act.

9 Sec. 6.3. The Department of Labor shall provide clerical and professional
10 assistance to the Task Force.

11
12 PART VII.—STUDENTS AT RISK STUDY COMMISSION

13 (S.B. 1020 - Martin of Guilford, H.B. 1426 - Michaux)

14 Sec. 7.1. There is established the Students at Risk Study Commission. The
15 purpose of the Commission shall be to (i) identify how the delivery of educational
16 services from preschool through twelfth grade fails to address the needs of students at
17 risk of academic, social, and economic failure, (ii) develop proposals for improving the
18 delivery of educational services to at-risk students, and (iii) recommend the human and
19 economic resources necessary to improve each at-risk student's opportunity to reach his
20 or her optimal potential.

21 Sec. 7.2. The Commission shall consist of 16 members appointed as follows:

22 (1) Four members of the Senate appointed by the President Pro Tempore
23 of the Senate, at least one appointee shall also be a member of the Joint
24 Legislative Education Oversight Committee. The President Pro
25 Tempore shall designate one cochair of the Commission;

26 (2) Four members of the House of Representatives appointed by the
27 Speaker of the House of Representatives, at least one appointee shall
28 also be a member of the Joint Legislative Education Oversight
29 Committee. The Speaker shall designate one cochair of the
30 Commission;

31 (3) Four members of the public appointed by the President Pro Tempore
32 of the Senate; and

33 (4) Four members of the public appointed by the Speaker of the House of
34 Representatives.

35 The members shall be appointed no later than September 1, 1992. If a vacancy occurs
36 in the membership, the appointing authority shall appoint another member to serve for
37 the balance of the unexpired term.

38 Sec. 7.3. The Commission shall:

39 (1) Identify the educational needs of students who are at risk of failure.

40 (2) Study the causes which lead students to become at risk of failure and
41 methods to alleviate the impact of those causes.

42 (3) Study the impact of education reform in North Carolina on students at
43 risk of failure.

- 1 (4) Study and recommend methods to optimize coordination of federal and
2 State efforts to address issues related to students at risk of failure.
- 3 (5) Identify educational methods that best meet the needs of at risk
4 students and recommend how to incorporate those methods into the
5 public education process.
- 6 (6) Study the extent of North Carolina's legal, ethical, economic, political,
7 and civic responsibility to provide and maximize access to educational
8 opportunity for students at risk of failure.
- 9 (7) Recommend a comprehensive plan for implementing, monitoring, and
10 improving the delivery of educational and related services for students
11 at risk of failure.
- 12 (8) Study the best method to evaluate services implemented to improve
13 the delivery of educational and related services to students at risk of
14 failure. Study of this issue shall focus on outcome measures.
- 15 (9) Study any other issues the Commission finds necessary to carry out its
16 purpose.

17 Sec. 7.4. The Commission shall submit an interim report of its findings and
18 recommendations to the Joint Legislative Education Oversight Committee on or before
19 January 15, 1993, and its final report to the Joint Legislative Education Oversight
20 Committee and the General Assembly on or before February 15, 1993, and shall
21 terminate on that date.

22 Sec. 7.5. The Commission, while in the discharge of official duties, may
23 exercise all the powers provided under G.S. 120-19, and G.S. 120-19.1 through G.S.
24 120-19.4. The Commission may meet at any time upon the joint call of the cochairs.
25 The Commission may, with the prior approval of the Legislative Services Commission,
26 meet in the Legislative Building or the Legislative Office Building.

27 Sec. 7.6. Members of the Commission shall receive subsistence and travel
28 expenses in accordance with G.S. 138-5, 138-6, or 120-3.1, as appropriate.

29 Sec. 7.7. The Commission may contract for professional, clerical, or
30 consultant services as provided by G.S. 120-32.02. The Legislative Services
31 Commission, through the Legislative Administrative Officer, shall assign professional
32 staff to assist in the work of the Commission. The House of Representatives' and the
33 Senate's Supervisor of Clerks shall assign clerical staff to the Commission, upon the
34 direction of the Legislative Services Commission. The expenses relating to clerical
35 employees shall be borne by the Commission.

36 37 PART VIII.—CRIMINAL CASE DISPOSITION STUDY COMMISSION

38 (S.B. 1230 - Soles, H.B. 1633 - Michaux)

39 Sec. 8.1. The Criminal Case Disposition Study Commission is created. The
40 Commission shall develop a framework upon which an intensive, well planned, and
41 unbiased study could be established that would consider the following issues:

- 42 (1) Possible improvements in the calendaring and efficient disposing of
43 criminal cases, with the goal of obtaining the swift and equitable

- 1 disposition of criminal charges in conformity with the dictates of law
2 and the need for accurate preparation.
- 3 (2) The existence of and reasons for significant backlogs on the criminal
4 docket of the State.
- 5 (3) Proposals to address inefficiencies in the disposition of criminal cases,
6 both short and long term, which would provide for a uniform and
7 consistent system for the disposition of criminal cases in all districts of
8 the State.
- 9 (4) Any other related issues.

10 In conducting its study, the Commission also shall determine whether a different body
11 should study all or part of these issues.

12 Sec. 8.2. The Commission shall consist of the following 13 members:

- 13 (1) The Chief Justice of the North Carolina Supreme Court shall appoint a
14 sitting or former Justice or judge of the General Court of Justice, who
15 shall serve as Chair of the Commission;
- 16 (2) The Chief Judge of the North Carolina Court of Appeals, or another
17 judge of the Court of Appeals selected by the Chief Court of Appeals
18 Judge;
- 19 (3) The President of the Conference of Superior Court Judges shall
20 appoint one member;
- 21 (4) The President of the District Court Judges Association shall appoint
22 one member;
- 23 (5) The President of the Conference of District Attorneys shall appoint
24 one member;
- 25 (6) The President of the North Carolina Clerks of Superior Court
26 Association shall appoint two members: one who is a Clerk of
27 Superior Court, and one who is a Clerk of Superior Court with
28 expertise in criminal cases;
- 29 (7) One member of the public at large appointed by the Lieutenant
30 Governor;
- 31 (8) The Speaker of the House shall appoint one member of the House of
32 Representatives;
- 33 (9) The President Pro Tempore of the Senate shall appoint one member of
34 the Senate;
- 35 (10) The Attorney General shall appoint one member;
- 36 (11) The President of the North Carolina Bar Association shall appoint one
37 member; and
- 38 (12) The President of the North Carolina Academy of Trial Lawyers shall
39 appoint one member.

40 Sec. 8.3. The Commission shall have its initial meeting no later than
41 September 1, 1992, at the call of the Chair. The Commission shall meet a minimum of
42 four regular meetings. The Commission may hold special meetings at the call of the
43 Chairman, or by the call of a majority of the Commission members, upon giving notice
44 of not less than five days of the meeting in accordance with rules fixed by the

1 Commission. A majority of the members to which the Commission is entitled shall
2 constitute a quorum.

3 Sec. 8.4. Commission members shall serve until the Commission expires or
4 until their successors are appointed and qualified. Vacancies occurring before the
5 expiration of a term shall be filled in the same manner provided for initial appointments.
6 A member may be removed only for disability, neglect of duty, incompetence, or
7 malfeasance in office. Commission members shall receive no salary for the service on
8 the Commission; however, they shall receive necessary subsistence and travel expenses
9 in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable.

10 Sec. 8.5. The Commission shall be administered under the direction and
11 supervision of the Director of the Administrative Office of the Courts. The Commission
12 shall exercise its discretionary functions independently of all supervision, however,
13 staffing and administrative functions shall be in cooperation with and subject to the
14 supervision of the Director of the Administrative Office of the Courts.

15 Sec. 8.6. The Commission shall submit a final report of its findings and
16 recommendations to the General Assembly on or before the first day of the 1993
17 Session of the General Assembly by filing the report with the President Pro Tempore of
18 the Senate and the Speaker of the House of Representatives. Upon filing its final report,
19 the Commission shall terminate.

20

21 **PART IX.—ADD TWO MEMBERS OF JOINT COMMITTEE ON TEACHER**
22 **EDUCATION TO EDUCATION LEADERSHIP TASK FORCE.**

23 Sec. 9.1. Section 2 of Chapter 869 of the 1991 Session Laws (1992 Regular
24 Session) is amended by adding a new subdivision to read:

25 "(14) Two members of the Joint Committee on Teacher Education, one
26 appointed by the chair of the State Board of Education and one
27 appointed by the chair of the Board of Governors of The University of
28 North Carolina."

29

30 **PART X.—MINORITY TOURISM STUDY COMMISSION**

31 (Martin of Guilford, H.B. 1292 - Hardaway)

32 Sec. 10.1. There is established the Minority Tourism Study Commission.
33 The Commission shall study the issues related to minorities and tourism in the State. In
34 particular, the Commission shall study:

35 (1) The representation of minorities on the staff of the Travel and Tourism
36 Division of the Department of Economic and Community
37 Development, particularly at the professional staff level.

38 (2) The Travel and Tourism Division's utilization of media outlets,
39 advertising firms, and public relations firms that are minority owned
40 and controlled in order to encourage travel and tourism in the State by
41 minorities.

42 (3) The marketing materials developed by the Travel and Tourism
43 Division of the Department of Economic and Community

1 Development to determine whether the materials are reflective of the
2 true diversity of people, resources, activities, and events in the State.

3 (4) State and local efforts to promote the State as a viable location for
4 national conventions of national minority organizations, such as
5 professional associations, religious organizations, sororities,
6 fraternities, civic agencies, and social agencies.

7 (5) Any other related issue the Commission considers necessary to study.

8 Sec. 10.2. The Commission shall consist of the following nine members:

9 (1) The President Pro Tempore of the Senate shall appoint four members
10 of the Senate.

11 (2) The Speaker of the House of Representatives shall appoint four
12 members of the House of Representatives.

13 (3) The Secretary of the Department of Economic and Community
14 Development, or a designee who shall be designated before September
15 1, 1992, and shall serve until the issuance of the final report.

16 Members shall be appointed no later than September 1, 1992. If a vacancy occurs in the
17 membership, the appointing authority shall appoint another member to serve for the
18 balance of the unexpired term. The President Pro Tempore of the Senate and the
19 Speaker of the House of Representatives shall each appoint a cochair from the
20 membership. Ex officio members are voting members.

21 Sec. 10.3. Commission members shall receive no salary, but shall receive
22 necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and
23 138-6, as applicable.

24 Sec. 10.4. The Commission shall meet upon the joint call of the cochairs.
25 The Commission may, with the prior approval of the Legislative Services Commission,
26 meet in the Legislative Building or the Legislative Office Building. The Legislative
27 Services Commission, through the Legislative Administrative Officer, shall assign
28 professional staff to assist in the work of the Commission. The Supervisors of Clerks of
29 the Senate and House of Representatives shall assign clerical staff to the Commission.
30 The expenses relating to clerical employees shall be borne by the Commission.

31 Sec. 10.5. The Commission shall submit a written report of its findings and
32 recommendations to the President Pro Tempore of the Senate and the Speaker of the
33 House of Representatives on or before February 15, 1993, and shall terminate on that
34 date.

35 Sec. 10.7. Section 2.1(46) of Chapter 754 of the 1991 Session Laws is
36 repealed.

37

38 PART XI.—DEPARTMENT OF HUMAN RESOURCES TO STUDY
39 DOMICILIARY CARE HOMES

40 (Cochrane)

41 Sec. 11.1. The Department of Human Resources shall study the issue of
42 reimbursement for domiciliary care homes and shall recommend a specific method for
43 rate-setting. This study shall consider:

44 (1) What the purpose of domiciliary care is and should be;

- 1 (2) What the structure of the rates shall be;
- 2 (3) How the levels of payment should be determined;
- 3 (4) How the system of rate-setting shall be administered;
- 4 (5) What the adequate number of domiciliary care beds is and whether this
- 5 number should be controlled by the State; and
- 6 (6) Any other issue the Department finds necessary to study.

7 The Department shall report its progress on the study to the North Carolina Study
8 Commission on Aging on or before December 1, 1992. The Department shall make a
9 final report of the results of its study, together with any legislative proposals, to the
10 1993 General Assembly by March 31, 1993.

11
12 PART XII.—JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE
13 WASTE TO STUDY RECENT LAWS

14 Sec. 12.1. In addition to its other studies authorized by law, the Joint Select
15 Committee on Low-Level Radioactive Waste, as established in Article 12C of Chapter
16 120 of the General Statutes, shall study the ramifications of the Supreme Court's
17 decision in New York v. United States, 60 U.S.L.W. 4603 (U.S. June 19, 1992) and
18 recent South Carolina legislation on the management of low-level radioactive waste.

19
20 PART XIII.—JOINT LEGISLATIVE SELECT COMMITTEE ON A
21 COMPREHENSIVE COMPENSATION SYSTEM FOR STATE EMPLOYEES

22 (S.B. 1035 - Johnson, H.B. 1452 - Fitch)

23 Sec. 13.1. The Joint Legislative Select Committee on a Comprehensive
24 Compensation System for State Employees is created. The Committee shall consist of
25 12 members.

26 Six members shall be appointed by the President Pro Tempore of the Senate
27 as follows:

- 28 (1) Four Senators;
- 29 (2) A State employee; and
- 30 (3) One person from the private sector with expertise in compensation.

31 Six members shall be appointed by the Speaker of the House of
32 Representatives as follows:

- 33 (1) Four members of the House of Representatives;
- 34 (2) A State employee; and
- 35 (3) One person from the private sector with expertise in compensation.

36 Members appointed because they are members of the Senate or members of
37 the House of Representatives may serve until completion of the Committee's work
38 notwithstanding that they may no longer be members of that body.

39 Sec. 13.2. The President Pro Tempore of the Senate shall designate one
40 Senator as cochairman and the Speaker of the House of Representatives shall designate
41 one Representative as cochairman.

42 Sec. 13.3. The Committee shall consider the comprehensive compensation
43 system issues contained in the Third Edition of Senate Bill 1035 of the 1991 General
44 Assembly which was identical as introduced to House Bill 1425. The Committee shall

1 make proposals as to the revision, if necessary, of that proposed system as will permit
2 the system's implementation not later than July 1, 1993.

3 Sec. 13.4. The Committee shall submit an interim report to the Performance
4 Audit Committee by November 1, 1992. The Committee shall submit a final report of
5 its findings and recommendations to the General Assembly on or before March 15,
6 1993, by filing the report with the President Pro Tempore of the Senate and the Speaker
7 of the House of Representatives. Upon filing its final report, the Committee shall
8 terminate.

9 Sec. 13.5. The Committee may meet at any time upon the joint call of the
10 cochairmen. With the prior approval of the Legislative Services Commission, the
11 Committee may meet in the Legislative Building or the Legislative Office Building.

12 Sec. 13.6. Members of the Committee shall receive subsistence and travel
13 expenses at the rates set forth in G.S. 120-3.1, 138-5, and 138-6, as appropriate.

14 Sec. 13.7. The Committee may contract for professional, clerical, or
15 consultant services as provided by G.S. 120-32.02. The Legislative Services
16 Commission, through the Legislative Administrative Officer, shall assign professional
17 staff to assist in the work of the Committee. The House of Representatives' and the
18 Senate's Supervisor of Clerks shall assign clerical staff to the Commission or
19 Committee, upon the direction of the Legislative Services Commission. The expenses
20 relating to clerical employees shall be borne by the Committee.

21 Sec. 13.8. When a vacancy occurs in the membership of the Committee the
22 vacancy shall be filled by the same appointing officer who made the initial appointment.

23 Sec. 13.9. All State departments and agencies and local governments and
24 their subdivisions shall furnish the Committee with any information in their possession
25 or available to them.

26 Sec. 13.10. There is appropriated from the General Fund to the General
27 Assembly the sum of thirty thousand dollars (\$30,000) for the 1992-93 fiscal year for
28 the expenses of the Committee established by this Part.

29
30 **PART XIV.—BILLS AND RESOLUTIONS REFERENCES**

31 Sec. 14.1. The listing of the original bill or resolution in this Part is for
32 reference purposes only and shall not be deemed to have incorporated by reference any
33 of the substantive provisions contained in the original bill or resolution.

34
35 **PART XVI.—EFFECTIVE DATE**

36 Sec. 16.1. This act is effective upon ratification.