

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1020*

Appropriations Committee Substitute With Amendments Adopted 7/15/92

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Short Title: Studies of 1992.

(Public)

Sponsors:

Referred to:

May 28, 1992

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE ALLOCATIONS THEREFOR, TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES, AND TO MAKE OTHER AMENDMENTS TO THE LAW.

The General Assembly of North Carolina enacts:

PART I.—TITLE

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

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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38 PART II.—LEGISLATIVE RESEARCH COMMISSION

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

- 1 (1) Establishment of a Chiropractic College in North Carolina (S.B. 1174 -
2 Conder, H.B. 1645 - Colton);
- 3 (2) Treatment of Adult and Minor Sex Offenders (S.B. 1236 - Martin of
4 Guilford);
- 5 (3) Medicaid (S.B. 1185 - Walker, H.B. 1523 - Nye);
- 6 (4) Cancer Control Issues (S.B. 1166 - Daniel, H.B. 1617 - Jeralds); and
- 7 (5) Creation of a Special Fund for the Operations of the Industrial
8 Commission (S.B. 432 - Cooper).

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

- 12 (1) Issues related to the land acquisition, facility maintenance, and facility
13 development of State historic sites, parks, gamelands, natural areas,
14 estuarine sanctuaries, beach and estuarine access areas, and public
15 access to public waters areas.
- 16 (2) Incentives for private landowners and private nonprofit organizations
17 to protect cultural and natural resources.
- 18 (3) Sources of revenue to fund State efforts to acquire, maintain, and
19 develop cultural and natural resources.
- 20 (4) Any related issues the Commission considers appropriate.

21 Sec. 2.3. LRC Study Committee on Bridging Environmental Science and
22 Technology with Public Policy Decisionmaking (Ward; Woodard). The Legislative
23 Research Commission Study Committee on Bridging Environmental Science and
24 Technology with Public Policy Decisionmaking shall continue its study authorized by
25 Section 2.1(32) of Chapter 754 of the 1991 Session Laws and may consider whether a
26 "Center for Environmental Research and Policy" or similar agency should be
27 established. If the study is undertaken, the North Carolina Board of Science and
28 Technology shall assist the study committee with its work.

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

- 32 (1) Recommendations for a State policy on citizen access to alternative
33 practices;
- 34 (2) Regulation of alternative medical practices in other states;
- 35 (3) Criteria for evaluating nonprevailing medical practices that are
36 comparable to those applied to prevailing medical practices;
- 37 (4) Comparison of the powers of the North Carolina Board of Medical
38 Examiners with the powers of similar boards in other states regarding
39 nonprevailing medical practices; and
- 40 (5) The existence and effectiveness of national certification boards of
41 nonprevailing medical practices in the protection of the public's health.

42 Sec. 2.6. Public Access to Information. The Legislative Research
43 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. 2.8A. Toll Roads (Odom, H.B. 1098 - Bowman). The Legislative
32 Research Commission is authorized to study the feasibility of constructing toll roads in
33 North Carolina. As a part of the study, the Commission may consider:

- 34 (1) The potential for toll roads to generate revenue to supplement current
35 road construction and maintenance resources;
- 36 (2) The experience of North Carolina, and other states, in constructing and
37 operating toll roads;
- 38 (3) The availability of federal funds to construct toll roads;
- 39 (4) The possibility of private construction, operation, and ownership of
40 toll roads in the State;
- 41 (5) The feasibility of constructing major new bridge projects as toll
42 facilities; and
- 43 (6) The potential for toll roads to accelerate needed highway construction
44 and promote economic growth in the State.

1 Sec. 2.8B. LRC Study Committee on Health Care Systems. In addition to
2 already authorized matters, the Legislative Research Commission's Committee on
3 Health Care Systems may study the issues of State-wide access to ventilation care for
4 long term patients suffering from emphysema, chronic bronchitis, asthma, and brown
5 lung, and like conditions and the adequacy of medicaid reimbursement for that care.

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

9 Sec. 2.10. Reporting Dates. For each of the topics the Legislative Research
10 Commission decides to study under this act or under G.S. 120-30.17(1), the
11 Commission may report its findings, together with any recommended legislation, to the
12 1993 General Assembly.

13 Sec. 2.11. Funding. From the funds available to the General Assembly, the
14 Legislative Services Commission may allocate additional monies to fund the work of
15 the Legislative Research Commission.

16
17 **PART III.—JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO**
18 **STUDY NONRESIDENT TUITION AND STUDENTS' WORK HOURS**

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

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

25 Sec. 3.2. Students' Work Hours Study (Warren, H.B. 628 - Bowman). In
26 addition to its other authorized studies, the Joint Legislative Education Oversight
27 Committee shall study the issue of limiting the number of hours that youths enrolled in
28 school are allowed to work. The Committee shall report the results of its study to the
29 1993 General Assembly.

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

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

41
42 **PART V.—COMMISSION ON THE FAMILY**

43 (H.B. 1381 - Easterling)

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

7
8 PART VI.—INTERAGENCY TASK FORCE ON STATE AGENCY OVERSIGHT
9 OF WORKPLACE SAFETY AND HEALTH

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

11 Sec. 6.1. There is established the Inter-agency Task Force on State Agency
12 Oversight of Workplace Safety and Health. The Task Force shall study the regulatory
13 responsibilities of State and local governmental agencies involved with workplace
14 safety and health and fire safety. The members shall include a representative of each of
15 the following:

- 16 (1) The Commissioner of Labor, who shall also chair the Task Force.
- 17 (2) The Commissioner of Insurance or a designee.
- 18 (3) The Secretary of the Department of Environment, Health, and Natural
19 Resources or a designee.
- 20 (4) The Chairman of the Industrial Commission or a designee.
- 21 (5) The Chairman of the Public Utilities Commission or a designee.
- 22 (6) The Secretary of the Department of Transportation or a designee.
- 23 (7) The Chairman of the State Personnel Commission or a designee.
- 24 (8) A community college representative appointed by the President of the
25 North Carolina System of Community Colleges.
- 26 (9) Two local officials, one selected by the North Carolina League of
27 Municipalities and the other selected by the North Carolina
28 Association of County Commissioners.
- 29 (10) One employee selected by the AFL-CIO and one business owner
30 selected by the Citizens for Business and Industry.

31 Sec. 6.2. The Task Force shall submit an interim written report to the LRC
32 Study Committee on Fire and Occupational Safety at Industrial and Commercial
33 Facilities no later than October 1, 1992, and a final report to the Joint Legislative
34 Commission on Governmental Operations by June 1, 1993. The report shall
35 recommend a proposed reorganization of the occupational health and safety and fire
36 safety network within State and local government to better address the needs of
37 employers and employees in this State. Except for cause, the same designee shall serve
38 from the inception of the Task Force until the issuance of the final report.

39 The proposed reorganization should accomplish the following goals:

- 40 (1) Be as consolidated and coordinated as possible with clear areas of
41 responsibility and clear lines of authority;
- 42 (2) Be devoid of duplication;
- 43 (3) Be devoid of political or special interest influence;

- 1 (4) Be able to respond quickly, efficiently, and effectively to reports of
2 unsafe conditions and to emergencies;
- 3 (5) Clarify the role of local government in fire and safety protection in the
4 workplaces in their jurisdictions;
- 5 (6) Fully utilize the community colleges in training inspectors and offering
6 programs for safety committees and businesses that seek to improve
7 worker safety;
- 8 (7) Consider contracting with local fire agencies for inspections before
9 adding more people to the State payroll;
- 10 (8) Develop an educational component that will include the creation and
11 distribution of educational materials regarding workplace safety laws
12 and duties of employers and rights of workers, including brochures,
13 fliers, posters, public service spots for radio and television, newspaper
14 and magazine articles; and
- 15 (9) Include proposals for establishing supplementary inspection programs
16 in addition to those authorized under the Occupational Safety and
17 Health Act.

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

20
21 PART VIA.—JOINT SELECT FISCAL TRENDS AND REFORM COMMISSION
22 TO STUDY ADDITIONAL ISSUES

23 (Daniel)

24 Sec. 6A. The Joint Select Fiscal Trends and Reform Commission created in
25 Section 348 of Chapter 689 of the 1991 Session Laws shall continue to review the fiscal
26 relationship between the State and local governments by examining State and local
27 government revenue sources and the allocation of responsibility among the State and its
28 local governments for financing and performing government services. In its work
29 pursuant to this section, the Commission shall examine:

- 30 (1) How the timing of the State's budget process affects the ability of local
31 governments to comply with the deadlines imposed in the Local
32 Government Budget and Fiscal Control Act, and whether local
33 governments' fiscal year should be changed to begin on October 1
34 rather than July 1.
- 35 (2) Proposed methods for making local governments more self-reliant,
36 including:
 - 37 a. Whether the State should provide local governments with
38 additional revenue options.
 - 39 b. Whether State and local responsibilities for providing
40 government services should be reallocated.
- 41 (3) Whether local government tax-sharing distributions should be financed
42 by appropriation or by earmarking.
- 43 (4) Whether a more adequate and dependable means of financing State
44 and local government services should be devised.

- 1 (5) The impact of the repeal of the property tax on inventories upon local
2 government revenues, including the impact upon economic
3 development.
- 4 (6) How the fiscal relationship between the State and local governments,
5 particularly the lack of uniform tax rates that results from local option
6 taxes, affects economic development.
- 7 (7) The effectiveness of the Local Government Fiscal Information Act,
8 Article 6D of Chapter 120 of the General Statutes.

9 The Joint Select Fiscal Trends and Reform Commission shall provide for a
10 thorough review of these topics by a subcommittee appointed by the cochairs of the
11 Commission. The results of the subcommittee's study, including its recommendations,
12 shall be studied in detail by the full Commission. The Commission shall include a
13 report of its study of these issues and its recommendations in its final report to the 1993
14 General Assembly pursuant to Section 348(c) of Chapter 689 of the 1991 Session Laws.

15
16 PART VII.—STUDENTS AT RISK STUDY COMMISSION

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

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

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

- 26 (1) Four members of the Senate appointed by the President Pro Tempore
27 of the Senate, at least one appointee shall also be a member of the Joint
28 Legislative Education Oversight Committee. The President Pro
29 Tempore shall designate one cochair of the Commission;
- 30 (2) Four members of the House of Representatives appointed by the
31 Speaker of the House of Representatives, at least one appointee shall
32 also be a member of the Joint Legislative Education Oversight
33 Committee. The Speaker shall designate one cochair of the
34 Commission;
- 35 (3) Four members of the public appointed by the President Pro Tempore
36 of the Senate; and
- 37 (4) Four members of the public appointed by the Speaker of the House of
38 Representatives.

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

42 Sec. 7.3. The Commission shall:

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

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

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

26 Sec. 7.5. The Commission, while in the discharge of official duties, may
27 exercise all the powers provided under G.S. 120-19, and G.S. 120-19.1 through G.S.
28 120-19.4. The Commission may meet at any time upon the joint call of the cochairs.
29 The Commission may, with the prior approval of the Legislative Services Commission,
30 meet in the Legislative Building or the Legislative Office Building.

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

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

40

41 PART VIII.—CRIMINAL CASE DISPOSITION STUDY COMMISSION

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

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

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

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

17 Sec. 8.2. The Commission shall consist of the following 14 members:

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

1 (12) The President of the North Carolina Academy of Trial Lawyers shall
2 appoint one member.

3 Sec. 8.3. The Commission shall have its initial meeting no later than
4 September 1, 1992, at the call of the Chair. The Commission shall meet a minimum of
5 four regular meetings. The Commission may hold special meetings at the call of the
6 Chairman, or by the call of a majority of the Commission members, upon giving notice
7 of not less than five days of the meeting in accordance with rules fixed by the
8 Commission. A majority of the members to which the Commission is entitled shall
9 constitute a quorum.

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

17 Sec. 8.5. The Commission shall be administered under the direction and
18 supervision of the Director of the Administrative Office of the Courts. The Commission
19 shall exercise its discretionary functions independently of all supervision, however,
20 staffing and administrative functions shall be in cooperation with and subject to the
21 supervision of the Director of the Administrative Office of the Courts.

22 Sec. 8.6. The Commission shall submit a final report of its findings and
23 recommendations to the General Assembly on or before the first day of the 1993
24 Session of the General Assembly by filing the report with the President Pro Tempore of
25 the Senate and the Speaker of the House of Representatives. Upon filing its final report,
26 the Commission shall terminate.

27
28 PART IX.—ADD TWO MEMBERS OF JOINT COMMITTEE ON TEACHER
29 EDUCATION TO EDUCATION LEADERSHIP TASK FORCE.

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

32 "(14) Two members of the Joint Committee on Teacher Education, one
33 appointed by the chair of the State Board of Education and one
34 appointed by the chair of the Board of Governors of The University of
35 North Carolina."

36
37 PART X.—MINORITY TOURISM STUDY COMMISSION

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

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

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

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

5 (3) The marketing materials developed by the Travel and Tourism
6 Division of the Department of Economic and Community
7 Development to determine whether the materials are reflective of the
8 true diversity of people, resources, activities, and events in the State.

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

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

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

15 (1) The President Pro Tempore of the Senate shall appoint four members
16 of the Senate.

17 (2) The Speaker of the House of Representatives shall appoint four
18 members of the House of Representatives.

19 (3) The Secretary of the Department of Economic and Community
20 Development, or a designee who shall be designated before September
21 1, 1992, and shall serve until the issuance of the final report.

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

27 Sec. 10.3. Commission members shall receive no salary, but shall receive
28 necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and
29 138-6, as applicable.

30 Sec. 10.4. The Commission shall meet upon the joint call of the cochairs.
31 The Commission may, with the prior approval of the Legislative Services Commission,
32 meet in the Legislative Building or the Legislative Office Building. The Legislative
33 Services Commission, through the Legislative Administrative Officer, shall assign
34 professional staff to assist in the work of the Commission. The Supervisors of Clerks of
35 the Senate and House of Representatives shall assign clerical staff to the Commission.
36 The expenses relating to clerical employees shall be borne by the Commission.

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

41 Sec. 10.6. Section 2.1(46) of Chapter 754 of the 1991 Session Laws is
42 repealed.

43

1 PART XI.—DEPARTMENT OF HUMAN RESOURCES TO STUDY
2 DOMICILIARY CARE HOMES

3 (Cochrane)

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

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

8 (2) What the structure of the rates shall be;

9 (3) How the levels of payment should be determined;

10 (4) How the system of rate-setting shall be administered;

11 (5) What the adequate number of domiciliary care beds is and whether this
12 number should be controlled by the State; and

13 (6) Any other issue the Department finds necessary to study.

14 The Department shall report its progress on the study to the North Carolina Study
15 Commission on Aging on or before December 1, 1992. The Department shall make a
16 final report of the results of its study, together with any legislative proposals, to the
17 1993 General Assembly by March 31, 1993.

18
19 PART XII.—JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE
20 WASTE TO STUDY RECENT LAWS

21 Sec. 12.1. In addition to its other studies authorized by law, the Joint Select
22 Committee on Low-Level Radioactive Waste, as established in Article 12C of Chapter
23 120 of the General Statutes, shall study the ramifications of the Supreme Court's
24 decision in New York v. United States, 60 U.S.L.W. 4603 (U.S. June 19, 1992) and
25 recent South Carolina legislation on the management of low-level radioactive waste.

26
27 PART XIII.—JOINT LEGISLATIVE SELECT COMMITTEE ON A
28 COMPREHENSIVE COMPENSATION SYSTEM FOR STATE EMPLOYEES

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

30 Sec. 13.1. The Joint Legislative Select Committee on a Comprehensive
31 Compensation System for State Employees is created. The Committee shall consist of
32 12 members.

33 Six members shall be appointed by the President Pro Tempore of the Senate
34 as follows:

35 (1) Four Senators;

36 (2) A State employee; and

37 (3) One person from the private sector with expertise in compensation.

38 Six members shall be appointed by the Speaker of the House of
39 Representatives as follows:

40 (1) Four members of the House of Representatives;

41 (2) A State employee; and

42 (3) One person from the private sector with expertise in compensation.

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

4 Sec. 13.2. The President Pro Tempore of the Senate shall designate one
5 Senator as cochairman and the Speaker of the House of Representatives shall designate
6 one Representative as cochairman.

7 Sec. 13.3. The Committee shall consider the comprehensive compensation
8 system issues contained in the Third Edition of Senate Bill 1035 of the 1991 General
9 Assembly which was identical as introduced to House Bill 1425. The Committee shall
10 make proposals as to the revision, if necessary, of that proposed system as will permit
11 the system's implementation not later than July 1, 1993.

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

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

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

23 Sec. 13.7. The Committee may contract for professional, clerical, or
24 consultant services as provided by G.S. 120-32.02. The Legislative Services
25 Commission, through the Legislative Administrative Officer, shall assign professional
26 staff to assist in the work of the Committee. The House of Representatives' and the
27 Senate's Supervisor of Clerks shall assign clerical staff to the Commission or
28 Committee, upon the direction of the Legislative Services Commission. The expenses
29 relating to clerical employees shall be borne by the Committee.

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

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

35
36 **PART XIII.A.—JOINT LEGISLATIVE COMMISSION ON FUTURE STRATEGIES**

37 Sec. 13A.1. In addition to its other duties, the Joint Legislative Commission
38 on Future Strategies shall study all aspects of the operations and procedures of the
39 Department of Administration's Purchase and Contract Division and the interaction of
40 that Division with State agencies with particular emphasis on the existence and
41 adequacy of safeguards to insure the integrity of and the avoidance of waste in the State
42 process of purchase and contract. The Commission shall report its findings and
43 recommendations, including legislation, on this study to the 1993 General Assembly
44 upon its convening.

1
2 PART XIII B.—JOINT SELECT FISCAL TRENDS AND REFORM COMMISSION
3 TO STUDY ADDITIONAL ISSUES

4 (Lee)

5 Sec. 13B.1. Section 348 of Chapter 689 of the 1991 Session Laws created the
6 Joint Select Fiscal Trends and Reform Commission and directed it to review and
7 analyze trends that will impact the State budget in the 1990s. In completing this
8 directive, the Commission shall study the impact on the State budget of the growing
9 number of fees imposed by various State agencies for certain services. In its work
10 pursuant to this section, the Commission shall examine:

- 11 (1) The need for uniform principles to apply when accounting for fees.
- 12 (2) Whether unexpended fee revenues should revert to the principal fund
13 that provides the agency's operating budget at the end of the fiscal
14 year.
- 15 (3) What role fees should play in the State's budget.
- 16 (4) Whether duplication exists in the fees imposed by the State and local
17 governments.
- 18 (5) The need for uniform principles to apply when determining the amount
19 of a fee imposed for services provided by State agencies.
- 20 (6) Whether any changes need to be made in the General Assembly's
21 procedures for considering bills that impose fees or change fees.

22
23 PART XIII C.—CANCER CONTROL STUDY COMMISSION

24 (S.B. 1116, S.B. 1166 - Daniel, H.B. 1617 - Jeralds)

25 Sec. 13C.1. The Cancer Control Study Commission is created. The
26 Commission shall consist of 20 members who shall be appointed as follows:

- 27 (1) Ten members appointed by the President Pro Tempore of the Senate as
28 follows:
 - 29 a. Five members of the Senate;
 - 30 b. One person from each of the three North Carolina
31 Comprehensive Cancer Centers;
 - 32 c. A member of the North Carolina Nurses Association; and
 - 33 d. The State Health Director, or his designee; and
- 34 (2) Ten members appointed by the Speaker of the House of
35 Representatives as follows:
 - 36 a. Five members of the House of Representatives;
 - 37 b. A member of the Cancer Committee of the North Carolina
38 Medical Society;
 - 39 c. A member of the Old North State Medical Society;
 - 40 d. A volunteer of the American Cancer Society, North Carolina
41 Division, Inc.;
 - 42 e. A representative of the North Carolina Hospital Association;
43 and
 - 44 f. A member of the Local Health Directors' Association.

1 Sec. 13C.2. The President Pro Tempore of the Senate shall designate one
2 Senator as cochair and the Speaker of the House of Representatives shall designate one
3 Representative as cochair. The cochairs shall call the first meeting and preside at
4 alternate meetings.

5 Sec. 13C.3. The Commission shall study cancer control activities and
6 services in North Carolina and make recommendations that will assure coordinated and
7 adequately financed statewide cancer control efforts.

8 Sec. 13C.4. The Commission shall submit a final report of its findings and
9 recommendations to the General Assembly by filing the report with the President Pro
10 Tempore of the Senate and the Speaker of the House of Representatives no later than
11 March 31, 1993. Upon filing its final report, the Commission shall terminate.

12 Sec. 13C.5. The Commission may meet at any time upon the joint call of the
13 cochairs. With the prior approval of the Legislative Services Commission, the
14 Commission may meet in the Legislative Building or the Legislative Office Building.

15 Sec. 13C.6. Members of the Commission shall receive subsistence and travel
16 expenses at the rates set forth in G.S. 120-3.1, 138-5, and 138-6, as applicable.

17 Sec. 13C.7. The Commission may contract for professional, clerical, or
18 consultant services as provided by G.S. 120-32.02, and may purchase or contract for the
19 materials and services it needs. The Legislative Services Commission, through the
20 Legislative Administrative Officer, shall assign professional staff to assist in the work
21 of the Commission. The House of Representatives' and the Senate's Supervisor of
22 Clerks shall assign clerical staff to the Commission, upon the direction of the
23 Legislative Services Commission. The expenses relating to clerical employees shall be
24 borne by the Commission.

25 Sec. 13C.8. When a vacancy occurs in the membership of the Commission,
26 the vacancy shall be filled by the same appointing officer who made the initial
27 appointment.

28 Sec. 13C.9. All State departments and agencies and local governments and
29 their subdivisions shall furnish the Commission with any information in their possession
30 or available to them.

31 32 PART XIID.—COMMISSION ON ACCESS TO HEALTH INSURANCE

33 Sec. 13D.1. Access Commission Membership Additions. Section 9.2 of
34 Chapter 754 of the 1991 Session Laws (Regular Session, 1991) reads as rewritten:

35 "Sec. 9.2. The Commission shall consist of ~~26~~28 members as follows:

- 36 (1) The Speaker of the House of Representatives shall appoint ~~nine~~ten
37 members as follows: five members of the House of Representatives;
38 one member who is the president or vice-president of a business
39 employing less than 20 employees; one member who represents a
40 health maintenance organization that provides health care in the State;
41 one member who is a health care provider; one member who is a
42 hospital administrator; and one member who is a public member who
43 is uninsured;

- 1 (2) The President Pro Tempore of the Senate shall appoint ~~nine~~ten
 2 members as follows: five members of the Senate; one member who is
 3 the president or vice-president of a business employing more than 100
 4 employees; ~~one member who is a health care provider;~~ two members who
 5 are health care providers; one member who represents an insurance
 6 company that provides health insurance coverage in this State; and one
 7 public member who is knowledgeable about the problems of the
 8 uninsured;
- 9 (3) The President of the North Carolina Medical Society, or his
 10 representative;
- 11 (4) The President of the North Carolina Hospital Association, or his
 12 representative;
- 13 (5) The Commissioner of Insurance, or his designee;
- 14 (6) The President of North Carolina Citizens for Business and Industry;
- 15 (7) The President of Merchants Association;
- 16 (8) The President of the Foundation for Alternative Health Programs;
- 17 (9) The President of the State Employees Association of North Carolina;
 18 and
- 19 (10) The President of the North Carolina AFL-CIO.

20 Vacancies in the membership appointed under subdivisions (1) and (2) of this
 21 section shall be filled by the official who made the initial appointment using the same
 22 criteria as provided in this section."
 23

24 PART XIII.E.—COMMISSION ON ACCESS TO HEALTH INSURANCE

25 Sec. 13E.1. Access to Primary Care (S.B. 1108 - Forrester, H.B. 1564 - R.
 26 Hunter). In addition to its other duties, the Commission on Access to Health Insurance
 27 shall study and make recommendations on the issues involved with the critical shortage
 28 of primary care physicians and the impact of this shortage on access to health care. The
 29 Commission may consider the provisions of House Bill 1564 and Senate Bill 1108 of
 30 the 1991 General Assembly (Regular Session 1992) in determining the nature, scope,
 31 and aspects of this study.
 32

33 PART XIV.—BILLS AND RESOLUTIONS REFERENCES

34 Sec. 14.1. The listing of the original bill or resolution in this Part is for
 35 reference purposes only and shall not be deemed to have incorporated by reference any
 36 of the substantive provisions contained in the original bill or resolution.
 37

38 PART XV.—ALLOCATIONS FOR STUDIES

39 Sec. 15.1. In addition to other appropriations, of the funds appropriated to the
 40 Office of State Budget and Management Repairs and Renovations Reserve, there is
 41 allocated to the General Assembly's Legislative Research Commission the sum of two
 42 hundred sixty-five thousand dollars (\$265,000) for its work.

43 Sec. 15.2. In addition to other appropriations, of the funds appropriated to the
 44 Office of State Budget and Management Repairs and Renovations Reserve, there is

1 allocated to the General Assembly's Legislative Services Commission's Reserve for
2 Studies the sum of seventy-five thousand dollars (\$75,000) for the 1992-93 fiscal year
3 to fund studies.

4 Sec. 15.3. The Legislative Research Commission shall study and recommend
5 to the General Assembly the no. of Study Commissions to be funded during each
6 biennium.

7

8 **PART XVI.—EFFECTIVE DATE**

9 Sec. 16.1. This act becomes effective July 1, 1992.