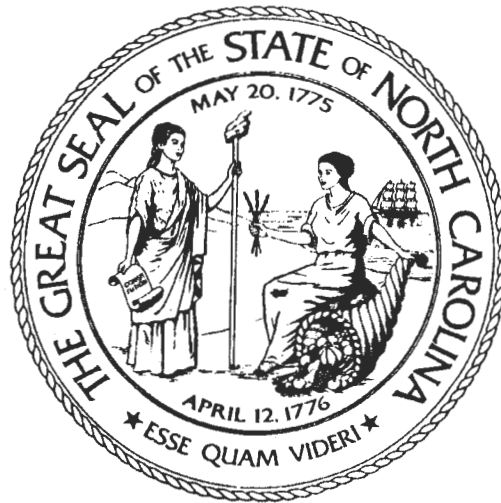


**LEGISLATIVE RESEARCH  
COMMISSION ACTIVITIES  
1987-88 BIENNIUM**



**SUMMARIES  
REPORT TO THE  
1989 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

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STATE OF NORTH CAROLINA  
LEGISLATIVE RESEARCH COMMISSION  
STATE LEGISLATIVE BUILDING  
RALEIGH 27611



December 14, 1988

TO THE MEMBERS OF THE 1989 GENERAL ASSEMBLY:

The Legislative Research Commission directed its staff to prepare a report outlining the work of its committees during the 1987-1988 biennium. This report contains a brief summary of each committee's progress and describes the number of committee meetings, subjects studied, findings and recommendations.

These summaries were prepared by the staff to the individual committees to provide brief overviews of the committees' work. These summaries do not modify nor should they be considered as modifying the Commission's report. The individual report by the Legislative Research Commission is authoritative. Copies of the Legislative Research Commission's reports may be obtained from the Legislative Library, Room 2126, State Legislative Building, Raleigh, North Carolina 27611. [Telephone: (919) 733-7778].

Yours truly,

  
Terrence D. Sullivan  
Director of Research  
Legislative Services Office



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## LEGISLATIVE RESEARCH COMMISSION

### **Introduction**

The North Carolina Legislative Research Commission (LRC) is an interim study organization of the General Assembly. Authorized by North Carolina General Statutes § 120-30.10 through § 120-30.18, the commission undertakes studies by direction of resolutions from the preceding legislative session or by direction of the commission chairmen.

The LRC is chaired by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The chairmen appoint five members from their respective houses. By tradition, the LRC has produced its studies working through committees under the charge of LRC members. These committees are made up of other members of the General Assembly and advisory members from outside the General Assembly.

The LRC, in view of its limited monies, decided not to fund all authorized studies. It referred some studies authorized to be conducted to other state agencies. The index to this booklet contains references to the location of the summaries of studies undertaken by the LRC and the disposition of all studies authorized to be made by the LRC.

### **Comparative Statistics on Prior Proposed Legislation**

Legislation proposed by the LRC traditionally enjoys a better success rate than legislation generally. For example, in the 1987 and 1988 legislative sessions LRC committees recommended 93 bills of which 79 (or 85%) were introduced. Of the introduced bills, 72% (57 of 79) were ratified in some form. The 72% success rate for legislation introduced in the 1987 and 1988 legislative sessions compares with a 56.3% general success rate for all legislation introduced or, if local legislation is removed from

the computation (because that type of legislation is normally unopposed), a 31.3% success rate for public bills.<sup>1</sup>

### Current Proposed Legislation

The 1987 General Assembly (1987 and 1988 Session) authorized 72 studies and 13 of these studies were referred to other more appropriate agencies of State government. The remaining 51 studies were combined into 37 study committees, one of which made a report to the 1988 Session and 32 of which reported to the 1989 General Assembly.

This publication contains a list of all the interim study committees funded by the Legislative Research Commission and a summary of each committee's work.

1 The general success rate for all legislation of 56.3% is obtained by first adding together the total number of bills and joint resolutions. For the 1987 and 1988 legislative sessions, 4510 bills and joint resolutions were introduced. Of this number, 2539 were ratified in some form e.g. a bill was actually itself ratified, or in the case of a local appropriation bill its principal provisions were included in a ratified bill. The total number of bills and joint resolutions introduced is divided by the number of ratified bills, ratified resolutions, and the total number of local appropriations bills introduced. For the 1987 and 1988 legislative sessions, 2539 ratified bills, ratified resolutions, and local appropriations bills were introduced. When 2539 is divided by 4510, the result is a success rate of 56.3%.

The success rate for public bills is obtained in the same manner. First the total number of public bills is obtained by subtracting the total number of local substantive and appropriations bills from the total number of bills and joint resolutions. For the 1987 and 1988 legislative sessions, 2541 public bills were introduced. Of those bills, 795 public bills were ratified. When 795 is divided by 2541, the result is a success rate of 31.3%.



1987 - 1988

LEGISLATIVE RESEARCH COMMISSION MEMBERS

Senator J. J. Harrington, Cochairman  
Senator Henson P. Barnes  
Senator A. D. Guy  
Senator R. L. Martin  
Senator James F. Richardson  
Senator Lura Tally

Representative Liston B. Ramsey, Cochairman  
Representative John T. Church  
Representative Bruce Ethridge  
Representative Aaron E. Fussell  
Representative Vernon G. James  
Representative Josephus L. Mavretic



GENERAL STATUTES OF NORTH CAROLINA

ARTICLE 6B

**Legislative Research Commission.**

**§ 120-30.10. Creation; appointment of members; members ex officio.**

(a) There is hereby created a Legislative Research Commission to consist of five Senators to be appointed by the President pro tempore of the Senate and five Representatives to be appointed by the Speaker of the House. The President pro tempore of the Senate and the Speaker of the House shall be ex officio members of the Legislative Research Commission. Provided, that when the President of the Senate has been elected by the Senate from its own membership, then the President of the Senate shall make the appointments of the Senate members of the Legislative Research Commission, shall serve ex officio as a member of the Commission and shall perform the duties otherwise vested in the President pro tempore by G.S. 120-30.13 and 120-30.14.

(b) The cochairmen of the Legislative Research Commission may appoint additional members of the General Assembly to work with the regular members of the Research Commission on study committees. The terms of the additional study committee members shall be limited by the same provisions as apply to regular commission members, and they may be further limited by the appointing authorities.

(c) The cochairmen of the Legislative Research Commission may appoint persons who are not members of the General Assembly to advisory subcommittees. The terms of advisory subcommittee members shall be limited by the same provisions as apply to regular Commission members, and they may be further limited by the appointing authorities. (1965, c. 1045, s. 1; 1975, c. 692, s. 1.)

**§120-30.11. Time of appointments; terms of office.**

Appointments to the Legislative Research Commission shall be made not earlier than the close of each regular session of the General Assembly held in the odd-numbered year nor later than 15 days subsequent to the close. The term of office shall begin on the day of appointment, and shall end on December 15 of the next even-numbered year. Except for the work of the Administrative Rules Review Committee, no moneys appropriated to the Legislative Research Commission may be expended for meetings of the Commission, its committees or subcommittees held after December 15 of the next even-numbered year and before the appointment of the next Legislative Research Commission. (1965, c. 1045, s. 2; 1975, c. 692, s. 2; 1977, c. 915, s. 4; 1981, c. 688, s. 19; 1983, c. 63, s. 1; 1983 (Reg. Sess., 1984), c. 1034, s. 178.)

**§120-30.12. Vacancies.**

Vacancies in the appointive membership of the Legislative Research Commission occurring during a term shall be filled for the unexpired term by appointment by the officer who made the original appointment. Vacancies in the ex officio membership shall be filled for the unexpired term by election by the remaining members of the Commission. Every vacancy shall be filled by a member of the same house as that of the person causing the vacancy.

If for any reason the office of President pro tempore of the Senate becomes vacant, the five Senate members of the Legislative Research Commission shall elect one of their own number to perform and exercise the duties imposed and powers granted pursuant to this Article, and such Senator so elected shall serve until the Senate shall elect a President pro tempore. If for any reason the office of Speaker of the House of Representatives becomes vacant, the five members of the House of Representatives of the Legislative Research Commission shall elect one of their own number to perform

and exercise the duties imposed and powers granted pursuant to this Article, and such member of the House of Representatives so elected shall serve until the House of Representatives shall elect a Speaker. (1965, c. 1045, s. 3; 1969, c. 1037.)

**§120-30.13. Cochairmen; rules of procedure; quorum.**

The President pro tempore of the Senate and the Speaker of the House shall serve as cochairmen of the Legislative Research Commission. The Commission shall adopt rules of procedure governing its meetings. Eight members, including ex officio members, shall constitute a quorum of the Commission. (1965, c. 1045, s. 4.)

**§120-30.14. Meetings.**

The first meeting of the Legislative Research Commission shall be held at the call of the President Pro Tempore of the Senate in the State Legislative Building or in another building designated by the Legislative Services Commission. Thereafter the Commission shall meet at the call of the chairmen. Every member of the preceding General Assembly has the right to attend all sessions of the Commission, and to present his views at the meeting on any subject under consideration. (1965, c. 1045, s. 5; 1981, c. 772, s. 1.)

**§120-30.15. Repealed by Session Laws 1969, c. 1184, s. 8.**

**§120-30.16. Cooperation with Commission.**

The Legislative Research Commission may call upon any department, agency, institution, or officer of the State or of any political subdivision thereof for such facilities and data as may be available, and these departments, agencies, institutions, and officers shall cooperate with the Commission and its committees to the fullest possible extent. (1965, c. 1045, s. 7.)

**§120-30.17. Powers and duties.**

The Legislative Research Commission has the following powers and duties:

(1) Pursuant to the direction of the General Assembly or either house thereof, or of the chairmen, to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner.

(2) To report to the General Assembly the results of the studies made. The reports may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations.

(3), (4) Repealed by Session Laws 1969, c. 1184, s. 8.

(5), (6) Repealed by Session Laws 1981, c. 688, s. 2.

(7) To obtain information and data from all State officers, agents, agencies and departments, while in discharge of its duty, pursuant to the provisions of G.S. 120-19 as if it were a committee of the General Assembly.

(8) To call witnesses and compel testimony relevant to any matter properly before the Commission or any of its committees. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission and its committees as if each were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this subsection, the subpoena shall also be signed by the members of the Commission or of its committee who vote for the issuance of the subpoena.

(9) For studies authorized to be made by the Legislative Research Commission, to request another State agency, board, commission or committee to conduct the study if the Legislative Research Commission determines that the other body is a more appropriate vehicle with which to conduct the study. If the other body agrees, and no legislation specifically provides otherwise, that body shall conduct the study as if the

original authorization had assigned the study to that body and shall report to the General Assembly at the same time other studies to be conducted by the Legislative Research Commission are to be reported. The other agency shall conduct the transferred study within the funds already assigned to it. (1965, c. 1045, s. 8; 1969, c. 1184, s. 8; 1977, c. 915, s. 3; 1981, c. 688, s. 2; 1983, c. 905, s. 7; 1985, c. 790, s. 7.)

**§120-30.18. Facilities; compensation of members; payments from appropriations.**

The facilities of the State Legislative Building, and any other State office building used by the General Assembly, shall be available to the Commission for its work. Members of the General Assembly serving on the Legislative Research Commission or its study committees shall be reimbursed for travel and subsistence expenses at the rates set out in G.S. 120-3.1. Advisory subcommittee members shall be reimbursed and compensated at the rates set out in G.S. 138-5 (public members) and G.S. 138-6 (State officials or employees). All expenses of the Commission shall be paid from funds appropriated for the Commission. (1965, c. 1045, s. 9; 1975, c. 692, s. 3; 1981, c. 772, s. 2.)

**§§120-30.19 to 120-30.23. Reserved for future codification purposes.**





## STUDY SUBJECT--WITH LRC MEMBER IN CHARGE, COMMITTEE

### COCHAIRMEN AND STAFF PERSON

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A.	Animal Welfare ..... (Sen. Daniel, Rep. McLaughlin/Hal Pell)	12
B.	Hunter's Safety and Wildlife..... (Sen. Barker, Rep. Tyndall/Brenda Carter)	15
C.	Pest Control..... (Sen. Speed, Rep. Holt/Linwood Jones)	17
<b>II.</b>	<b>Buildings &amp; Disadvantaged Businesses - Rep. John Church</b>	
A.	Disadvantaged Business Contracts, and State Contracts with Small Businesses ..... (Sen. Seymour, Rep. Barnhill/Gina Holt and Jill Farmer)	20
B.	Historic Preservation ..... (Sen. Walker, Rep. Hasty/Susan Sabre)	22
C.	Need for State Department of Housing and Housing Discrimination..... (Sen. Goldston, Rep. Barnes/Linda Kimbell)	25
<b>III.</b>	<b>Economic Development - Sen. A. D. Guy</b>	
A.	Economic Development and Recruiting..... (Sen. Sherron, Rep. Hightower/Cathy Hubbard)	28
B.	Growth Management System ..... (Sen. Staton, Rep. Lineberry/Tom Covington and Carol Shaw)	30
C.	Interstate Banking..... (Sen. Guy, Rep. Diamont/Terry Sullivan)	32
D.	Tourism's Growth and Effect ..... ((Sen. Block, Rep. Warren/Cathy Hubbard)	35
<b>IV.</b>	<b>Human Resources - Sen. James Richardson</b>	
A.	AIDS ..... (Sen. Marvin, Rep. Locks/John Young)	38
B.	Care Provided by Rest Homes, Intermediate Care Facilities, and Skilled Nursing Homes; and Ombudsman ..... (Sen. Harris, Rep. Easterling/John Young)	40

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	(Sen. Sherron, Rep. Bumgardner/John Young)	
D.	Gerontology .....	45
	(Sen. Bill Martin, Rep. Wiser/Susan Sabre)	
<b>V.</b>	<b>Revenue, State Publications &amp; Unruly Students - Rep. Josephus L. Mavretic</b>	
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	(Sen. Basnight, Rep. Payne/Cindy Avrette)	
B.	Revenue Laws and Corporate Income Taxation .....	50
	(Sen. Guy, Rep. Lilley/Martha Harris and Ruth Sappie)	
C.	State Ports Authority and International Trade .....	53
	(Sen. Block, Rep. Hall/Sean Dail)	
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	(Sen. R. Martin, Rep. Sam Hunt/Giles Perry and Richard Bostic)	
E.	Unruly Students .....	58
	(Sen. Warren, Rep. Foster/Leslie Davis)	
<b>VI.</b>	<b>State Personnel and Modern Family - Rep. Aaron Fussell</b>	
A.	Attorney General's Staff .....	61
	(Sen. Marvin, Rep. Anderson/Ken Levenbook and Michele Nelson)	
B.	Modern Family .....	63
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	(Sen. Hunt, Rep. Kennedy/Susan Iddings)	
D.	State Personnel System, Wellness Program for State Employees, and Veterans Preference in State Employment .....	66
	(Sen. Hunt, Rep. Stamey/Susan Iddings, Sam Byrd and Stanley Moore)	
<b>VII.</b>	<b>State Regulation - Sen. Henson Barnes</b>	
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	(Sen. Walker, Rep. Dawkins/ Bill Gilkeson and Gerry Cohen)	
B.	Military Justice Code for National Guard .....	72
	(Sen. Richardson, Rep. Raynor/Ken Levenbook)	

C.	Safe Roads Act .....	74
	(Sen. Harris, Rep. Wicker/Ken Levenbook and Poindexter Watts)	
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	(Sen. Barnes, Rep. Miller/Linwood Jones)	
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	(Sen. Winner, Rep. Blue/Gerry Cohen)	
 <b>VIII. Transportation and Agriculture - Rep. Vernon James</b>		
A.	Automobile Insurance .....	82
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B.	Farmland Preservation, Farm Issues and Migrant Housing .....	83
	(Sen. Plyler, Rep. Fletcher/Linwood Jones)	
C.	Ferries, Oregon Inlet Navigation, Dredging and Stabilization, and Hurricane Emergency Evacuations.....	85
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 <b>IX. Waste Management - Sen. Lura Tally</b>		
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	(Sen. Tally, Rep. DeVane/George Givens)	
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**1987-88 LEGISLATIVE RESEARCH COMMISSION'S  
COMMITTEE SUMMARIES**

**I. ANIMALS**

**SUBJECT:**           **ANIMAL WELFARE**  
**Authority:**       Chapter 873, Part II, § 2.1(28) (HB 1850-Rep. Stamey)

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## ANIMAL WELFARE ACT

The Animal Welfare Act Study Committee held five meetings at which the following subject matters were discussed: the effectiveness of the current Animal Welfare Act in achieving its stated purposes; whether municipal and county animal control facilities should be included under the provisions of the Act; whether there should be centralized recordkeeping of records required under the Act; the need for better enforcement of the rules published under the Act; whether all counties in the State should have some responsibility for animal control problems; the current conditions in animal shelters around the State; and methods of assisting local governments in achieving minimum standards for facilities which confine dogs and cats. The Committee makes the following findings and recommendations in its report to the 1989 session:

## Findings

1. One of the purposes of the Animal Welfare Act is to insure that dogs and cats confined in animal shelters are provided humane care and treatment. Only shelters operated by humane societies and non-profit groups, about 15% of all shelters, are currently covered by the Act. Although many county and city shelters are well run, there are facilities which fail to meet the minimum standards which have been established by rules published under the authority of the Act. Problems include: failure to provide food and water at regular intervals; substandard construction; poor recordkeeping; cage overcrowding; failure to keep animals 72 hours before disposition; inaccessibility to the public; lack of facility supervision; unsafe carbon monoxide chambers; unsanitary conditions; lack of veterinary care for sick or injured animals; and improper disposition of animal bodies.
2. The current Act only penalizes "dog wardens" if they violate the provisions of the Act. Counties, however, generally appoint "animal control officers," under a separate statutory provision. Consequently, there is no State regulation of those personnel who would be most likely to violate the provisions of the Act.
3. One of the stated purposes of the Act is to regulate the care and treatment of animals which are used for commercial purposes. An individual can currently raise for sale the offspring of five dogs or cats per year without being required to register as a "dealer." For example, if five dogs had litters of eight puppies each, the owner could sell, and have on his premises, forty puppies without registering as a dealer under the Act.
4. There is currently no requirement that records kept pursuant to the Act be maintained in any uniform manner or in any particular format. The availability of uniform data would facilitate review of facility operations and provide public health officials with a method of obtaining information which is required by State law.
5. Although most counties either operate or contract with an animal control facility, there are several counties which have absolutely no animal control capability. Current public health laws provide that animals that are not wearing rabies tags, or are in violation of local animal control ordinances, may be impounded. In addition,

## ANIMALS

pursuant to State law, all dogs and cats which have bitten a person must be immediately confined.

6. It is appropriate for animal owners, who place a burden on local government and may benefit from minimum standards in animal control facilities, to directly assist in paying the costs of insuring minimum standards for the humane treatment of confined animals.
7. Some local governments do not receive sufficient revenue from animal license fees to off-set any part of the costs of operating an animal control facility, and need some assistance to undertake new construction or major repair of an animal control facility.

### Recommendations

1. The Committee recommended that all animal control facilities, including those operated or contracted by local governments, be included under the Animal Welfare Act's provisions.
2. The Committee recommended that the term "animal control officer" be included in the definitional section of the Act and under the penalty provision with dog wardens, and that the term "dealer" be amended to include all those raising dogs or cats for commercial purposes, as a regular course of business.
3. The Committee recommended that the Board of Agriculture be given the authority to establish both uniform recordkeeping requirements, and such centralization of records as required.
4. The Committee recommended that all counties be required to either operate an animal control facility, or contract with an existing facility, for animal control purposes.
5. The Committee recommended that a fifty cent (50¢) fee be placed on all rabies vaccinations, and that the fee be reflected on the rabies vaccination certificate--which is currently required by State law. The money collected would be directed to a new fund, the "Animal Welfare Act Enforcement Fund," and would pay for the increased costs resulting from including all animal control facilities under the Act.
6. The Committee recommended that money in excess of the increased personnel and administrative costs of enforcing the Act would be available to units of local government in the form of matching grants. Grant money could be utilized for either new construction or capital improvement of an animal control facility.

The recommendations are incorporated in draft legislation entitled **A BILL TO BE ENTITLED AN ACT TO REVISE ANIMAL WELFARE AND CONTROL LAWS AND CREATE THE ANIMAL WELFARE ACT ENFORCEMENT FUND.** It is anticipated that the bill will be introduced during the 1989 Session of the General Assembly.



THE FULL REPORT OF THE COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 2226, STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

**SUBJECT:** HUNTER'S SAFETY AND WILDLIFE  
**Authority:** Chapter 873, Part II, § 2.1 (47A)

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Rep. Foyle Hightower, Jr.  
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**HUNTER'S SAFETY AND WILDLIFE**

The Hunter Safety and Wildlife Study Committee held five meetings at which the following subject matters were discussed: mandatory hunter safety training; waterfowl management; enforcement authority of wildlife protectors; purchase by the State of Lukens Island in Carteret County for public hunting; the necessity for statewide legislation to prohibit trespass by hunters and fishermen without landowner permission, to regulate hunting from the right of way of public roads, and to prohibit hunting on

gamelands while impaired. The Committee makes the following findings and recommendations in its report to the 1989 Session.

### Findings

1. The N.C. Wildlife Resources Commission currently offers a ten-hour course of study which includes information on general hunter safety, wildlife identification, wildlife management, regulations, hunter survival, first aid and hunter ethics and attitudes. Range training is a part of the program, and is completed by approximately 75% of the students who take the course. The minimum age for certification is twelve years, and the course is designed for all age groups. There are nine staff members and 1100 volunteers who teach the course through public schools and civic groups, at no charge to participants. While there have been a significant number of persons taking the course on a voluntary basis, surveys by the Wildlife Resources Commission and the N.C. Wildlife Federation have indicated strong support at the local level for a mandatory safety course.
2. The Committee finds that there is a need to address factors which have an adverse impact on hunter safety and therefore the safety of the general public.
3. Lukens Island is an undeveloped tract in Carteret County, and is in the State gamelands program. It is a popular spot for hunters in the area, and contains a number of quail, deer and duck as well as black bears, rare woodpeckers and possibly a rare species of wildcat. The Weyerhaeuser Company now owns over 9,000 acres of Lukens, and is apparently interested in selling its holdings.
4. G.S. 113-136 sets out the enforcement authority of wildlife protectors, which includes matters within the jurisdiction of the Department of Natural Resources and the Wildlife Resources Commission. Such matters include boating and water safety, hunting and trapping, fishing and activities in woodlands and on inland waters. There are some violations which become evident to wildlife protectors in the course of their duties, but which are not matters over which they have jurisdiction. Although the current statute provides that wildlife protectors may arrest for offenses which constitute "a threat to public peace and order which would tend to subvert the authority if ignored", there should be a clear designation of general authority.
5. There are currently some sixty-six different local laws regulating roadside hunting. The Wildlife Resources Commission reports that the lack of uniform regulation has resulted in complaints from the general public, and is a source of confusion for hunters. The Committee finds that there is a clear need for uniformity in the regulations.
6. The Committee found that landowners who attempt to prevent trespass by unauthorized persons hunting or fishing are faced with the continuing expense and burden of complying with registering or posting requirements, and that wildlife officers, while most likely to detect instances of trespassing to hunt or fish, in many circumstances do not have appropriate enforcement authority.

## Recommendations

1. The Committee presents draft legislation entitled **A BILL TO BE ENTITLED AN ACT TO REQUIRE FIRST TIME BUYERS OF HUNTING LICENSES TO COMPLETE A HUNTER SAFETY COURSE, AND TO REQUIRE THAT SUCH COURSE BE MADE AVAILABLE IN THE PUBLIC SCHOOLS OF THIS STATE.** It is anticipated that the bill will be introduced during the 1989 Session of the General Assembly. The Act would require that all first time buyers of hunting licenses in this State submit proof of completion of a course in hunter safety. The course must be one which is approved by the Wildlife Resources Commission, and may be taught by employees of the Commission, or by certified instructors through organizations approved by the Commission. The Committee also requires that the hunter safety course be offered in the public school system as an elective course, in the same manner in which driver education is currently offered.
2. In the interest of public safety, the Committee recommends legislation which would prohibit hunting with deadly weapons on gamelands while impaired, using the same standard for impairment as contained in the motor vehicle laws. The Committee further recommends that the penalty for such violation carry an automatic one-year suspension of hunting license, unless the judge rules otherwise.
3. The Committee recommends an appropriation of funds to the Wildlife Resources Commission for the purchase of Lukens Island, contingent upon the development of an appropriate plan for utilization and management of the property.
4. Because of the continuing concern for public safety, and the potential for delay caused in getting fully authorized peace officers to the scene, the Committee recommends the General Assembly enact a bill granting full law enforcement authority to wildlife protectors.
5. The Committee recommends statewide legislation to regulate hunting on the roadside right of way, and recommends that the Wildlife Resources Commission develop appropriate recommendations for such legislation.
6. The Committee recommends that the 1989 General Assembly examine and revise existing trespass law to prevent poaching of wildlife and to enhance the management of wildlife in this State. Since the majority of hunters and fishermen are conscientious sportsmen, the Committee further recommends that care be taken not to abuse such persons.

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**SUBJECT: PEST CONTROL**  
**Authority: Chapter 873, Part II, § 2.1 (25) (HB 1752-Holt)**

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**PEST CONTROL**

The LRC Committee on Pest Control, chaired by Senator James Speed and Representative Bertha ("B") Holt, met eight times. The Committee examined the State's regulatory structure for pesticides and pest control and university programs relating to pesticide use and management, and it heard from various farm and environmental groups and State agencies on issues such as monitoring groundwater for pesticide contamination, the aerial application of pesticides, the certification and training standards for pesticide and pest control applicators, the use of pesticides by State agencies, and similar issues.

The Committee recommended the following legislation:

## ANIMALS

1. A BILL TO BE ENTITLED AN ACT TO REQUIRE THE UNC BOARD OF GOVERNORS TO STUDY THE FEASIBILITY OF AN AGRIMEDICINE PROGRAM IN NORTH CAROLINA.
2. A BILL TO BE ENTITLED AN ACT TO REQUIRE ADDITIONAL REPORTING TO LANDOWNERS CONCERNING WELL CONSTRUCTION AND TO AUTHORIZE A PROGRAM FOR THE CLOSURE OF ABANDONED WELLS.
3. A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPOSIT OF PESTICIDES WITHIN THREE HUNDRED FEET OF A RESIDENCE BY AERIAL APPLICATION.
4. A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTIFICATION OF CERTAIN PESTICIDE APPLICATIONS.
5. A BILL TO BE ENTITLED AN ACT TO ADD A PUBLIC MEMBER AND A HEALTH REPRESENTATIVE TO THE STRUCTURAL PEST CONTROL COMMITTEE.

The Committee also made the following recommendations:

6. That the North Carolina Pesticide Board study methods for obtaining reliable data on pesticide sales by dealers and/or pesticide usage by major end-users.
7. That by January 1, 1991, all persons engaged in the business of professionally applying restricted use or general use pesticides to the property of others be certified, with a period of appropriate duration during which a new uncertified employee seeking certification may apply pesticides under the direct supervision of a certified applicator physically present on the premises being treated; that by January 1, 1991, all employees treating the property of their employer with pesticides be certified; that until January 1, 1991, all persons engaged in the business of professionally applying pesticides be required to participate in training programs on the safe use of pesticides developed by the Pesticide Board and the Structural Pest Control Committee.
8. That the General Assembly provide funding for or increased funding for several programs relating to pesticide use, management, regulation, and monitoring, including but not limited to the following: groundwater monitoring, agricultural cost-sharing for nonpoint source pollution control, pesticide waste disposal, biological pest control, structural pest control inspectors, various university programs (in academics, agricultural research and agricultural extension), and boll weevil eradication.

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## BUILDINGS AND DISADVANTAGED BUSINESSES

### II. BUILDINGS AND DISADVANTAGED BUSINESSES

**SUBJECT:** DISADVANTAGED BUSINESS CONTRACTS FINANCED BY STATE FUNDS

**Authority:** Chapter 873, Part II, § 2.1 (32) (HB 2130-Hardaway; HB 2131-Hardaway)

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### DISADVANTAGED BUSINESS CONTRACTS

The Disadvantaged Business Contracts Financed by State Funds Committee held five meetings between January and November of 1988. The Committee heard extensively from the Office of Purchase and Contract, Department of Administration, which operates the "Program to Encourage Enterprises Owned by Minorities, Women and Disabled Persons." The Committee carefully considered all facets of disadvantaged business enterprises including goals and set aside programs, local government

## BUILDINGS AND DISADVANTAGED BUSINESSES

programs, and state level purchasing departments. Thirteen recommendations were made by the Committee.

1. The Committee recommended that specific definitions be applied to this policy for "Disadvantaged Business Enterprise," "Small Business Enterprise," "Minority Business Enterprise," "Physically Handicapped Business Enterprise," "Women Business Enterprise," and "Goal."
2. The Committee recommended that the State of North Carolina expand the existing State policy as set out in G.S. § 143-135.5 which is "to encourage and promote the use of small, minority, physically handicapped and women contractors in State construction projects," and that the State of North Carolina implement a program to actively seek and identify small, minority, physically handicapped, and women business enterprises as Disadvantaged Business Enterprises and offer to them the maximum opportunity to participate as providers of goods and services to the State of North Carolina.
3. The Committee recommended that the State of North Carolina take affirmative action to ensure equal opportunity to contract with disadvantaged business enterprises (hereinafter referred to as DBEs) and to ensure that its contractors take similar action with DBEs.
4. The Committee recommended that the State of North Carolina take affirmative action to ensure equal opportunity for all DBEs to compete for all apparatus, supplies, materials or equipment.
5. The Committee recommended that appropriate State departments shall forward to the DBE program office a complete description of all projects planned for the year which would require a consultative or otherwise professional service. The DBE Program Office shall supply the departments with current listings profiling those DBEs which specialize in areas of service needed by the State.
6. The Committee recommended that the contractors take affirmative steps prior to submission of bids to encourage participation in projects by subcontractor DBEs and there be joint responsibilities between the State and the contractors for such affirmative steps.
7. The Committee recommended that DBE firms be responsible for self-promotion as it pertains to consideration in the contracting process and suggested steps for self-promotion.
8. The Committee recommended that the calculation of disadvantaged business enterprise participation in contracts awarded be based on the total dollar amount of the contract.
9. The Committee recommended that either a model formula be devised to equitably distribute participation by DBEs in State construction, contracting and procurement projects or that specific goals for DBE participation in construction, contracting and procurement projects be established for fiscal year 1989-1990.
10. The Committee recommended that good faith efforts be made to comply with the State policy and all good faith efforts be documented.



## BUILDINGS AND DISADVANTAGED BUSINESSES

Any noncompliance with the State policy shall be heard through a Grievance Procedure.

11. The Committee recommended that language be placed in the enabling legislation that will allow for preemption of local ordinances which do not exceed minimums as set forth by the State policy. The Committee suggested the following: "To the extent of any conflict with the Act, this Act will prevail over all state or local laws which do not meet or exceed the goals of disadvantaged business enterprise participation as set forth pursuant to this Act; however, this Act will not apply to any contract already entered into prior to its enactment."
12. The Committee recommended that specific language be included in any enabling legislation to deter any falsification of classification as a minority, physically handicapped and women business enterprise or DBE.
13. The Committee recommended that specific language be included in any enabling legislation to deter any fraudulent representation as a DBE. The Committee suggested the following:

"(a) If any person shall, with intent to cheat or defraud another, represent himself as a disadvantaged business enterprise without having been designated as such under G.S. \_\_\_, for the purpose of obtaining from any person within this State any money, goods, property, services, chose in action, or other thing of value, such person shall be guilty of a felony, and shall be punished as a Class J felon.

(b) For purposes of this section, 'person' means person, association, consortium, corporation, body politic, partnership, or other group, entity or organization."

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**SUBJECT: HISTORIC PRESERVATION**

**Authority: Chapter 873, Part II, § 2.1 (19) (HJR 1257-Colton; SJR 874-Walker)**

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## HISTORIC PRESERVATION

The Legislative Research Commission Study Committee on Historic Preservation early identified a number of issues to be addressed, most of which would require legislation but very few of which would require additional appropriations. These issues centered on finding ways to hone and polish existing historic preservation laws to make them more effective in effecting their purpose and on ways to work with traditional historic preservation interests and with economic interests and concerns to make historic preservation and economic development, including tourism and downtown redevelopment, two aspects of the same, larger concern for the welfare of North Carolina as it grows and develops into the twenty-first century.

The Committee went to the east, New Bern, and to the west, Asheville, to hear directly from the individuals most affected by historic preservation. These public hearings provided some of the most rewarding aspects of its study. All the issues it had decided were worthy of study were addressed spontaneously and most effectively by private individuals and agencies and by local governmental officials. Its major concern, that preservation be examined in its economic growth aspects as well as in its more traditional, separate aspects, was underscored by excellent testimony concerning the vital role local businesses were playing in preserving and restoring local properties and districts, to the benefit of the businesses and the local economy as well as to the more traditional preservation interests.

The Committee made the following formal recommendations:

1. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTION OF NORTH CAROLINA HISTORIC PROPERTIES** to amend the law regarding historic preservation to include specific provisions that will not only strengthen the protection offered by the state of historic properties but also strengthen the vital cooperative roles played by tourism and historic preservation in benefiting the economy of the

## BUILDINGS AND DISADVANTAGED BUSINESSES

State. The Committee recommended that these specific provisions include creation of the North Carolina Advisory Council on Historic Preservation, a mandate that all agencies affecting historic properties coordinate their efforts and cooperate with the Council, and a mandate that all agencies affecting historic preservation establish preservation officers. Additional appropriations of fifteen thousand dollars each fiscal year are required for the administration of the council.

2. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA REGISTER OF HISTORIC PLACES** to ensure State protection of historic properties that are valuable to the people of the State even though they may not be listed on the national register of historic places and, thus, not be protected from harmful State undertakings.
3. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO REGULATE HISTORIC DISTRICTS AND LANDMARKS** and **A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW OF EMINENT DOMAIN REGARDING HISTORIC PROPERTIES** to revise and strengthen local enabling legislation to ensure that historic properties of local as well as of State significance be preserved. The Committee recommended that the revision of the local legislation include a rewriting of the two statutes regarding historic districts and historic properties to create one single body of law dealing with "local districts and landmarks," thus avoiding past confusion between historic properties law and historic districts law, and the extension of allowable demolition delay, to permit more time to allow interested individuals and preservation groups to work with the property owner to save the property from demolition, if at all possible. No additional appropriations are required.
4. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PROPERTY TAX INCENTIVES FOR HISTORIC PROPERTIES** and **A BILL TO BE ENTITLED AN ACT TO CREATE A STATE INCOME TAX CREDIT FOR PRESERVING OR RESTORING HISTORIC PROPERTIES** to increase the financial incentives the state makes available to individuals working to preserve and restore historic properties, as the State has a vital and growing interest in the positive economic and social impact that restored and preserved historic properties are providing to communities, and to the State in terms of increased tourism appeal and in terms of general economic development. The Committee recommended that these financial incentives include a revised property tax law that, by specifying property owner's responsibilities, should encourage local governments to grant complying owners favorable tax treatment and a State income tax credit for owners who preserve or restore historic properties that are not income producing as well as for those that are. No additional appropriations are required. A fiscal note on tax impact is pending.
5. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO ENABLE CITIES, TOWNS AND COUNTIES TO PROVIDE FOR NEIGHBORHOOD, COMMUNITY AND RURAL PRESERVATION** to enable local governments to create neighborhood protection districts to encourage, not mandate, the protection of neighborhoods that are not truly historic, but that are worthy of protection from unnecessary or precipitous change or destruction. No additional appropriations are required.

## BUILDINGS AND DISADVANTAGED BUSINESSES

6. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW PROTECTING ARCHAEOLOGICAL RESOURCES AND TO MAKE TECHNICAL CHANGES** to amend the law regarding the protection of the State's valuable archaeological resources to strengthen enforcement of the law and to make necessary technical changes in the title of the archaeologist that heads the state's archaeological activities. No additional appropriations are required.
7. The committee recommended **A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES IN THE LAW REGARDING SURVEYS OF HISTORIC PROPERTIES** to amend the law regarding surveys of historic properties to make certain technical corrections. No additional appropriations are required.
8. The Committee recommended that the General Assembly support the mainstreet program's budget request for additional design staff. No legislation is required.

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**SUBJECT: HOUSING DISCRIMINATION**

Authority: Chapter 873, Part II, § 2.1 (21) (29) (HJR 1303-Fitch; HB 1965-Barnes)

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### HOUSING AND HOUSING DISCRIMINATION

The Study Commission on Housing and Housing Discrimination, chaired by Representative Anne Barnes and Senator William Goldston, was established by the 1987 Session of the General Assembly to look at two major housing issues. First, the Commission was charged with investigating housing discrimination against the handicapped and families with children and the problem of sexual harassment of tenants in rental housing. The second charge was to study whether the various agencies active in the housing area should be consolidated into a Department of Housing. The Commission met seven times between December 1987 and November 1988.

The Commission heard much testimony on the problems of discrimination against families and the handicapped and sexual harassment. Among those addressing the Committee were representatives from the Human Relations Council, Legal Services, the Governor's Advocacy Council on Persons with Disabilities, and the North Carolina Association of Realtors. In addition, the Commission looked at fair housing laws of other states and studied thoroughly the amendments to the Federal Fair Housing Act which were signed into law on September 13, 1988.

In considering the issue of consolidation of housing activities, the Commission learned that there are thirteen state agencies with some degree of direct or indirect housing responsibility. On the specific issue of what shape consolidation should take, the Commission heard from representatives of the Commission on Jobs and Economic Growth, the League of Municipalities, the Housing Finance Agency, the North Carolina Home Builders Association, the Department of Commerce, and the Low Income Housing Coalition. The Commission also looked at how other states organize their housing functions.

### RECOMMENDATIONS

The Commission approved five bills for recommendation to the General Assembly. Finding that sexual harassment of tenants in rental housing, particularly low-income women tenants, is a growing problem, the Committee approved both a bill which would create a civil penalty for such harassment and one which would make this conduct a misdemeanor. These bills are, respectively, **A BILL TO BE ENTITLED AN ACT TO AMEND THE FAIR HOUSING ACT TO PROHIBIT SEXUAL HARASSMENT IN THE RENTAL OF RESIDENTIAL PROPERTY** and **A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEXUAL HARASSMENT IN THE RENTAL OF RESIDENTIAL PROPERTY**.

The Committee also voted to amend the North Carolina Fair Housing Act to prohibit discrimination against families and the handicapped. These amendments would keep North Carolina law in compliance with the newly amended federal Act. This bill

## BUILDINGS AND DISADVANTAGED BUSINESSES

is A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE FAIR HOUSING ACT BY EXTENDING PROTECTION TO THE HANDICAPPED AND FAMILIES WITH CHILDREN.

Another amendment to the Fair Housing Act clarifying that the Human Relations Council has authority to seek temporary relief when handling a fair housing complaint also received approval. This bill is A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE FAIR HOUSING ACT TO CLARIFY PROVISIONS REGARDING DISCRIMINATORY ADVERTISING AND THE AVAILABILITY OF TEMPORARY RELIEF PENDING RESOLUTION OF A DISCRIMINATION COMPLAINT.

Lastly, the Committee approved for recommendation A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DIVISIONS OF COMMUNITY ASSISTANCE AND ECONOMIC OPPORTUNITY FROM THE DEPARTMENT OF NATURAL RESOURCES & COMMUNITY DEVELOPMENT TO THE DEPARTMENT OF COMMERCE, TO DIRECT THE SECRETARY OF COMMERCE TO ESTABLISH A DIVISION OF HOUSING, AND TO ESTABLISH A TOLL-FREE TELEPHONE NUMBER FOR HOUSING ASSISTANCE INFORMATION IN THAT DIVISION. As the title indicates, under this recommendation, the Divisions of Community Assistance and Economic Opportunity would be transferred to the Department of Commerce where a housing division, headed by a deputy secretary, would be established. Further, a toll-free telephone number for housing assistance information would be set up in this new division.

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## ECONOMIC DEVELOPMENT

### III. ECONOMIC DEVELOPMENT

**SUBJECT:** ECONOMIC DEVELOPMENT AND RECRUITING  
**Authority:** Chapter 873, Part II, § 2.1 (13) (HB 1097-Hightower)

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ECONOMIC DEVELOPMENT AND RECRUITING

## ECONOMIC DEVELOPMENT

The LRC Committee on Economic Development and Recruiting met six times prior to the 1989 Session of the General Assembly in order to review economic development policies and industrial recruitment strategies utilized in North Carolina.

Through presentations from State and local economic developers the Committee learned that North Carolina is undergoing a complex transformation from a rural-based to a metropolitan-based economy. The Committee also learned that efforts are being made on both the State and local levels to balance the effects of this transformation and to enhance North Carolina's traditional industrial recruitment strategies with innovative "growth from within" strategies.

The Committee approved of these efforts but perceived a real need for greater coordination of these efforts and greater communication among economic developers on all levels.

In its final report, the Committee recommended:

1. That the State improve communications with local economic developers through: a) allocation by the General Assembly of additional staff to the eight regional offices affiliated with the Business/Industry Development Division of the Department of Commerce; b) timely distribution by the Department of Commerce of summaries detailing pertinent legislative enactments to Chambers of Commerce and other local economic development entities.
2. That the State study methods of better coordinating efforts of State-level committees, commissions, and other groups, which receive State funds to conduct economic development research and consulting, so that duplication of efforts can be eliminated and funds can be channeled more effectively and efficiently.
3. That the General Assembly and State agencies that make infrastructure funding decisions consider economic development criteria when making these decisions.
4. That the Department of Commerce strengthen efforts to: a) develop linkages between North Carolina manufacturers and North Carolina suppliers; b) increase the flow of export and import business through North Carolina ports.
5. That the Department of Community Colleges and the Department of Public Education seek a closer working relationship with respect to developing skills training for high school students who do not choose to seek a 4-year college degree.
6. That the State continue efforts to find innovative, effective ways to make capital more readily available to promising businesses in the start-up or expansion phases.
7. That the Department of Corrections and the Department of Transportation place higher priority on litter pick-up and allocate increased inmate time to this effort, since a clean, litter-free environment is essential to the healthy growth of the North Carolina economy. To facilitate efforts to place higher priority on litter pick-up, the Committee proposed **A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF**



## ECONOMIC DEVELOPMENT

### **CORRECTIONS TO STUDY THE FEASIBILITY OF IMPROVING THE WORK EFFICIENCY OF PRISON INMATES AND INCREASING THE PARTICIPATION BY PRISON INMATES IN WORK PROJECTS AND TO REPORT ITS FINDINGS TO THE 1989 GENERAL ASSEMBLY.**

8. That the Jobs Tax Credit statutes, enacted by the General Assembly in 1987, be amended to account for the low unemployment rates prevalent throughout North Carolina. The Committee proposed **A BILL TO BE ENTITLED AN ACT TO AMEND THE JOBS TAX CREDIT STATUTES TO REPEAL THE REQUIREMENT THAT A COUNTY HAVE A 7% UNEMPLOYMENT RATE IN ORDER TO BE DESIGNATED "SEVERELY DISTRESSED."**

The Committee also endorsed two recommendations of the North Carolina Commission on Jobs and Economic Growth, as set forth in the Commission's Final Report, dated August 2, 1988. First, the Committee endorsed the recommendation that the General Assembly consolidate State housing assistance and community development programs now being administered by thirteen different departments and divisions, and that consideration be given to creating a new Department of Housing and Community Development. Second, the Committee endorsed the recommendation that the General Assembly establish a permanent business assistance program for cities and counties following the general concept of the 1987-1989 Industrial Development Fund.

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**SUBJECT: GROWTH MANAGEMENT**

Authority: 1988 Session Laws, Chapter 1100, Subchapter A, Sec. 1.2, SB 257

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## GROWTH MANAGEMENT

The Legislative Research Commission's Growth Management Study Committee met three times to consider the feasibility of establishing a legislative commission on Growth Trends Development Issues.

The Committee concentrated their efforts on determining a need for an official set of planning data across the State, reviewing State and local programs affecting growth, determining the need for involvement of local citizens in the planning process, and reviewing other States' experience in developing statewide growth management strategies. The Committee heard presentations from local and State government offices and committee staff on whether or not there was a need for further study of statewide growth management policies for North Carolina. The Committee found that the State had enacted legislation dealing with State goals, policies and plans but most of it was permissive. After much discussion of issues raised by members and staff, the Committee decided to recommend that a Joint Legislative Commission on Future Strategies for North Carolina be established to review future strategies for North Carolina including consideration of growth management policies.

The Committee's final recommendation includes **A BILL ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON FUTURE STRATEGIES OF NORTH CAROLINA**. The purpose of this Commission would be to review future trends and events to consider how they may affect North Carolina and develop policy options for how State and local governments and the general public can be prepared to benefit from these future trends and events. The Commission's duties would include (1) reviewing reports which propose future strategies or recommendations for North Carolina and determine their status, (2) reviewing governmental and non-governmental research and studies relating to current and future trends and events, (3) conducting periodic citizen surveys to assess attitudes toward current trends, (4) undertaking any additional studies requested by the General Assembly, and (5) reporting to the General Assembly biennially on the Commission's findings, recommendations and forecasts of potential future strategies and policy

## ECONOMIC DEVELOPMENT

alternatives which may be beneficial to State and local governments and the general public of North Carolina.

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**SUBJECT:** INTERSTATE BANKING  
**Authority:** Chapter 873, Part II, § 2.1 (47F) (HB 1924-Diamont)

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## ECONOMIC DEVELOPMENT

### INTERSTATE BANKING

The Legislative Research Commission's Committee on Interstate Banking met three times. The Committee following the path suggested in the original proposed study legislation decided to devote its attention primarily to the effect of interstate banking on the availability and distribution of credit within the State. Representatives of State banking regulators, the banking industry, consumers groups, and the academic community made presentations to the Committee on these matters.

The Committee on Interstate Banking made the following findings and recommendations:

#### A. Availability of Credit and Information on that Availability

The Committee on Interstate Banking found:

1. A significant number of diverse organizations and individuals around the State believe that there is a serious lack of affordable credit and deposit services available to small businesses, rural communities, minorities, and low and moderate income people and communities in North Carolina.
2. Some of the State's financial institutions believe that interstate banking has proven profitable for North Carolina's banking industry and beneficial to the State economy.
3. There is no conclusive evidence that interstate banking has either improved or worsened the problem associated with access to, and the cost and quality of, banking services.
4. There is a serious lack of information on which to base an objective conclusion about the extent of access, cost and quality problems associated with banking services in North Carolina, and about the relationship of interstate banking to those problems.
5. Major changes have been occurring in the financial services sector, and will continue to occur. Nationwide banking, a distinct possibility in the near future, will accelerate and amplify these changes. The possibility of nationwide interstate banking makes it particularly important for the North Carolina General Assembly to understand the relationship between the problems associated with banking services and the continued geographic expansion of banking.

The Committee recommended to the 1989 Session of the General Assembly that:

1. The 1989 General Assembly search for and create ways to determine the extent of problems of access to banking services experienced by small businesses, rural communities, minorities, and low and moderate income people and communities in North Carolina.
2. To the extent that there are problems with access to banking services in North Carolina, the General Assembly should create methods to ameliorate the problems.

## ECONOMIC DEVELOPMENT

3. The Legislative Research Commission be authorized to continue the study of interstate banking.

### **B. Regional Reciprocal Interstate Banking Act**

The Committee on Interstate Banking found that:

1. General Statute (G.S.) 53-99(b) currently provides, among other matters, for confidentiality of certain records gathered by the Commissioner of Banks compiled in examining, auditing and investigating the operations of a bank as well as records of information and reports submitted by banks to federal regulatory authorities, if these records would be confidential under federal law.
2. In addition to federal regulatory information, the Banking Commission also requests biographical data and financial statements on all of the current or proposed officers or directors of the to-be-acquired bank or bank holding company.
3. The biographical data is personal and sensitive and not necessary to be published in order to process the application.
4. Although this State's banking law generally provides for publication of notice of matters affecting the general public, notice of applications for acquisitions under the Interstate Banking Act are not presently required to be published.

The Committee on Interstate Banking, therefore, recommended the passage of A **BILL TO BE ENTITLED AN ACT TO REQUIRE CONFIDENTIALITY FOR INTERSTATE BANK ACQUISITION RECORDS AND PUBLICATION OF NOTICE OF APPLICATION OF INTERSTATE BANKING ACQUISITION.** This bill would amend:

1. G.S. 53-99(b) to provide for confidentiality of records compiled or received in connection with an application under the Interstate Banking Act.
2. G.S. 53-211 to require publication of notice of applications for acquisitions under the Interstate Banking Act.

### **C. North Carolina Bank Holding Company Act of 1984**

The Committee found that:

1. Under the NCBHC, a bank holding company (BHC) owning a North Carolina federally- or State-chartered bank or acquiring control over a nonbank subsidiary with offices in this State must register with the Commissioner.
2. A non-resident bank which is a wholly-owned subsidiary of a bank holding company could purchase a nonbank subsidiary having an office in North Carolina and neither that bank nor its parent BHC would be required to register under the NCBHC.

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The Committee on Interstate Banking recommended the passage of A BILL TO BE ENTITLED AN ACT TO REQUIRE REGISTRATION UNDER THE NORTH CAROLINA BANK HOLDING COMPANY ACT OF BANK HOLDING COMPANIES CONTROLLING DIRECTLY OR INDIRECTLY NONBANK SUBSIDIARIES OPERATING IN NORTH CAROLINA, which would amend G.S. 53-227 as the title indicates.

### D. Banking Statutes

The Committee on Interstate Banking found:

1. Community banks concentrate delivery of their banking services and products in the communities in which they are organized.
2. Every reasonable step should be taken to foster the growth and development of community banks.
3. G.S. 53-6, which prohibits a bank from paying commissions on the sale of its organizational stock, is an impediment to the formation of community banks.
4. Twenty-eight of 42 states responding to the North Carolina Banking Commissioner's survey of other states' bank regulators take the position that commissions on the sale of organizational stock are permitted.

The Committee recommended the passage of A BILL TO BE ENTITLED AN ACT TO ALLOW SALES COMMISSIONS ON INITIAL BANK STOCK OFFERINGS, which would amend G.S. 53-6 as the title indicates to promote the development of community banks.

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**SUBJECT:** TOURISM'S GROWTH AND EFFECT  
**Authority:** Chapter 873, Part II, § 2.1 (12) (HJR 1010-Perdue; SB 1328-Barker)

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## TOURISM'S GROWTH AND EFFECT

The LRC Committee on Tourism's Growth and Effect met throughout the State on six occasions prior to the 1989 Session of the General Assembly. The primary goals of the Committee were to evaluate the impact of the rapid growth of the tourism industry on the State and to determine the appropriate role for the State in facilitating this growth.

Through numerous presentations by State officials and tourism industry leaders, the Committee learned that, in 1987, North Carolina's tourism industry was a \$5.7 billion industry, employing at least 220,000 North Carolinians. The Committee also learned that this means that tourism is the second largest industry in the State and is expected to emerge as the number one industry by the year 2000.

The Committee recommended, in light of the major economic impact of the tourism industry, that the State give well-deserved attention to this important industry through:

1. Creation of standing House and Senate committees solely dedicated to the study of travel and tourism issues.
2. Appropriation of additional funds to the Division of Travel and Tourism for printing, expansion of the matching funds tourism grant program, and a

## ECONOMIC DEVELOPMENT

minimum of two new staff positions. Preferably, the Division would be restructured so that there would be sufficient staff to develop new areas of expertise, including regional coordinators who would develop, coordinate, and recruit tourism activities and industries into the western, piedmont, and eastern regions of the State.

3. Creation of the North Carolina Travel and Tourism Commission to advise the Governor, General Assembly, and Secretary of Commerce on policy and budgetary matters related to tourism promotion and development. The Committee proposed **A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA TRAVEL AND TOURISM COMMISSION.**
4. Continuation of the LRC Committee on Tourism's Growth and Effect. The Committee proposed **A BILL TO BE ENTITLED AN ACT TO CONTINUE THE LRC COMMITTEE ON TOURISM'S GROWTH AND EFFECT.**
5. Creation of a matching grants program to provide assistance to counties that want to buy and restore the homes of North Carolina Governors. The Committee proposed **A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MATCHING GRANTS PROGRAM WITHIN THE DIVISION OF ARCHIVES AND HISTORY TO ASSIST COUNTIES IN THE PRESERVATION OF GOVERNORS' HOMES.**
6. Support for the work of the Highway Study Commission and establishment of a more cohesive transportation policy for the State; improvement of air access to rural areas of the State by urging Congress to encourage the Federal Aviation Authority to fund the Airport Improvement Program at higher levels using available surplus reserve and by urging Congress to adequately fund the Essential Air Service Program; speeding up strategic highway construction projects; and increasing limited access to highways.
7. Acceleration of efforts to reduce environmental threats, such as acid rain, which may destroy North Carolina's scenic beauty, and to reduce negative environmental impacts produced by tourism; setting good environmental examples for industry by State use of biodegradable plastics whenever possible; elimination of the use of weed killers along the State's highways.
8. Appropriation of additional funds to support North Carolina's State parks and consideration of the concept under review by the Commission on State Parks and Recreation Areas, which proposes a new department and cabinet level secretary for wildlife, parks, and tourism; alternatively, consideration of the concept of creating a new department and cabinet level secretary for tourism.
9. Urging local boards of education to design their school calendars so that the first day of the school year is after Labor Day.

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## HUMAN RESOURCES

### IV. HUMAN RESOURCES

**SUBJECT:** ACQUIRED IMMUNE DEFICIENCY SYNDROME--AIDS  
**Authority:** Chapter 873, Part II, § 2.1(2), HB 1 (HJR 72-Jones)

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#### ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

The Committee on AIDS met seven times in the course of its deliberations. One of these meetings was a public hearing in which approximately 50 persons participated. Since AIDS is such a new topic in which new scientific and behavioral information is being generated daily, the Committee by necessity spent much time and energy at every meeting educating itself about AIDS.

## HUMAN RESOURCES

A question of great concern to the Committee was how the State's institutional structure has responded to the onslaught of AIDS and what this epidemic will mean in the future. The Committee heard from a number of these institutions, such as the Division of Prisons, local public health departments, and the Department of Public Instruction. A number of health care questions were raised about the social and economic consequences of AIDS that will ultimately have to be faced by the General Assembly.

The Committee makes the following findings and recommendations in its report to the 1989 Session:

1. Many problems related to AIDS remain to be addressed and solved, such as problems related to children with AIDS, the allocation of health resources for persons with AIDS and other important issues. Therefore the Committee recommends that the 1989 Session of the General Assembly enact **A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE IMPACT OF AIDS ON PUBLIC HEALTH AND HEALTH CARE IN NORTH CAROLINA.**
2. Because AIDS cannot be contained by medical means such as vaccine, people must be taught how to contain the virus through their own activity. Yet the amount of education the public receives is woefully inadequate. It is obvious that two of the major organizations that the State must depend upon are the public school system and the system of local health departments in every county. Unfortunately, state financial assistance has been minimal in support of these institutions. Therefore the Committee recommends that the 1989 Session of the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE AND COMMUNITY BASED AIDS PREVENTION AND EDUCATION PROGRAM.** This legislation would provide \$6.5 million for each year of the biennium to fund education and control measures at the local and State level.
3. The Committee was impressed by the large number of persons and organizations throughout its hearings that, without reservation, supported the need for State antidiscrimination legislation. The call for such legislation was not limited to AIDS patients and their families, but also included such groups and individuals as the North Carolina Medical Society Committee on Sexually Transmitted Diseases and AIDS, the Association of Local Health Directors, the State Employees Association of North Carolina, private attorneys, religious leaders, and other advocacy groups.

The message is clear that discrimination against persons with HIV infection in the workplace setting or in the area of housing, schools, and public accommodations, is unwarranted because it has no public health basis. Nor is there any basis to discriminate against those who care for or associate with such individuals. Therefore the Committee recommends that the 1989 Session of the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO AMEND THE COMMUNICABLE DISEASE LAW.** These changes would prohibit discrimination against persons who are infected with HIV for employment, housing, public services, public accommodations and public transportation.

4. One of the kinds of discrimination that has a severe economic impact on AIDS patients is insurance discrimination. Although the Committee finds no proof that this kind of discrimination has happened in North Carolina, it has happened in other states. Therefore the Committee recommends that the 1989 Session of the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO PROHIBIT**

## HUMAN RESOURCES

**DISCRIMINATION AGAINST HIV INFECTED PERSONS UNDER HEALTH INSURANCE POLICIES.** This bill would prevent HIV infection from being treated differently than any other dread disease under health insurance policies.

5. Legislators may easily view screening and testing programs as a way to provide immediate results and to show that they are doing something positive in the fight against AIDS. However, the essential policy question is what level of public resources should be allocated to testing relative to other interventions, such as expanding public education programs. The Committee finds that this State should not mandate screening for low-risk groups, especially since the State is putting almost no funds into more basic strategies. Moreover, in other states with mass testing, it has not proven to be worth the social and economic costs involved.
6. Under current State law, there is no prohibition against HIV testing being performed under blanket consent that does not specifically mention the test. The Committee finds that health care providers should be required to obtain informed consent prior to testing a patient's blood for HIV. Therefore the Committee recommends that the 1989 General Assembly enact **A BILL TO BE ENTITLED AN ACT TO AMEND THE COMMUNICABLE DISEASE LAW.**
7. The Committee finds that there is a special need to increase the foster care assistance payment beyond the maximum \$215 per month for children with AIDS. The goal for those children should be to provide a normal and dignified home life for as long as possible. Therefore the Committee recommends that the 1989 General Assembly enact **A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FOSTER CARE FOR HIV INFECTED CHILDREN.** The request is for \$480,000 for the 1989-90 fiscal year for 24 children and \$1,120,000 for the 1990-91 fiscal year to provide for 56 children.
8. There is no cure for AIDS but there is a prescription drug that increases survival time. This drug, AZT, blocks the virus' ability to reproduce. In recognition of these facts, the Federal government funded the purchase of this antiretroviral drug because of its great cost at about \$8,600 per patient per year but the final grant has been made to the states.

The Committee finds that North Carolina should continue the funding of this drug and any other antiretroviral drugs that become available for this therapy. Such policy is not only humane, but it also allows HIV infected persons to delay the onset of some severe symptoms. It allows these persons to continue to be contributing members of society, thus reducing the public cost of caring for such persons. Therefore the Committee recommends that the 1989 Session of the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE OF ANTIRETROVIRAL DRUGS.** The appropriation would be \$200,000 for each year of the biennium.

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**SUBJECT: CARE PROVIDED BY REST HOMES, INTERMEDIATE CARE FACILITIES, AND SKILLED NURSING HOMES AND OMBUDSMAN**

**Authority: Chapter 873, Part II, § 2.1 (41) (SJR 856-Harris; SB 857-Harris)**

## HUMAN RESOURCES

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### CARE PROVIDED BY REST HOMES, INTERMEDIATE CARE FACILITIES, AND SKILLED NURSING HOMES AND OMBUDSMAN

The Committee on Care Provided by Rest Homes, Intermediate Care Facilities, and Skilled Nursing Homes and Ombudsman met eight times during the course of its deliberations. Three of these meetings were public hearings that were located in Charlotte, Wilmington, and Raleigh. Over 100 persons had a chance to address the Committee through this public hearing process.

Although there are many potential issues related to long term care facilities, Senate Bills 856 and 857 from the 1987 Session outlined the scope of work for the

## HUMAN RESOURCES

Committee. Senate Bill 856 suggested that the care provided in nursing homes and rest homes be analyzed. Senate Bill 857 outlined issues related to the Ombudsman Program.

The Long Term Care Ombudsman program is required in each state under the Older American's Act and has been ongoing in North Carolina since 1978 through the Division of Aging. There is one State Ombudsman and eighteen regional ombudsmen located in each of the Council of Governments. The purpose of the Program is to advocate on behalf of individuals who are experiencing problems in long term care facilities such as alleged inadequacies of care or alleged mistreatment of residents.

Over the course of the Committee's work there were changes suggested for the present ombudsman program such as:

1. Provide State enabling legislation for the Ombudsman Program
2. Additional funding for more positions
3. Make all ombudsmen State employees.

Many problems were brought to the attention of the Committee related to rest homes and nursing homes. The following three categories summarize the issues before the committee:

1. Appropriate and efficient resolution of complaints about nursing home and rest home care;
2. Availability and access of nursing home beds;
3. Quality of care issues.

The Committee makes the following findings and recommendations in its Report to the 1989 Session:

1. Because the Ombudsman Program is so important to the institutionalized population in this State the Committee finds that it is now appropriate for this program to be authorized in State statute. Therefore the Committee recommends that the 1989 Session enact **A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LONG-TERM CARE OMBUDSMAN PROGRAM.**
2. The Domiciliary Home Patient Bill of Rights contains the requirement that a patient or responsible family member be notified when a facility is issued a provisional license or notice of revocation of a license (G.S. 131E-21(14)). The Committee finds that this requirement is not included in the Nursing Home Patient Bill of Rights and should be. Therefore the Committee recommends that the 1989 Session enact **A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NURSING HOME PATIENTS; RIGHT TO NOTIFICATION WHEN THE FACILITY'S LICENSE IS REVOKED OR MADE PROVISIONAL.**

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3. The Committee finds that there is a great need to reauthorize this study. There were so many issues and so little time to adequately analyze the data and propose solutions. Therefore the Committee recommends that the 1989 Session enact **A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE THE STUDY OF THE CARE PROVIDED BY REST HOMES, INTERMEDIATE CARE FACILITIES, AND SKILLED NURSING HOMES.**
4. Governmental programs have been inadequate to finance long term care. The Committee believes that the General Assembly should turn its attention to examining issues in financing long term care and consider the State's options. Therefore the Committee recommends that the 1986 Session of the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE AVAILABILITY AND COVERAGE OF LONG-TERM CARE INSURANCE.**
5. The Committee finds that the State does not have the capability to investigate thoroughly and resolve immediately complaints received by the Division of Facility Services about rest homes and nursing homes. To restore confidence and improve the system the Committee recommends that the 1989 Session of the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENHANCE INVESTIGATION AND RESOLUTION OF COMPLAINTS AGAINST NURSING HOMES AND REST HOMES.** This request is for \$776,500 for each year of the biennium.
6. Innovative means of both controlling costs and providing needed care in nursing homes and rest homes must be found and it must be based on sound empirical data. The Committee finds that much of the planning for these innovations has been based on less than adequate North Carolina generated data. Therefore the Committee recommends that the 1989 Session of the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THE DEPARTMENT OF HUMAN RESOURCES ESTABLISH AND MAINTAIN THE CAPABILITY TO PROVIDE NECESSARY DATA REGARDING LONG TERM CARE FACILITIES.**

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 2226, STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

**SUBJECT: EMERGENCY CARE VOLUNTEERS NETWORK**  
**Authority: Chapter 873, Part II, § 2.1 (44) (SJR 880-Sherron)**

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## EMERGENCY CARE VOLUNTEERS NETWORK

The Emergency Care Volunteers Network Committee met four times prior to issuing the final report. This study was to determine if State government should be involved in stimulating a network of volunteers in each county to assist families and individuals in emergency and crisis situations. Public agencies cannot always meet the immediate emergency needs of their clients for a variety of reasons. Clients at the county level are frequently referred to nonpublic agencies for services. These are local private agencies which on an ongoing basis, provide direct services to persons in crisis situations such as potential evictions, lack of food, medicine, or transportation.

The initial assumption by the Committee was that some counties do not provide these crisis services. To test this hypothesis, the Committee requested help from CARE-LINE within the Department of Human Resources. CARE-LINE provides North Carolinians with a centralized data bank of information on human services programs. With a simple call, there is access to local, state and federal agencies as well as nonprofit organizations and support groups for all one hundred counties in the State. The Committee also conducted a 100 county survey to confirm if there existed an emergency care volunteer network in each county. From the survey which all 100 counties completed, the committee concluded that there are agencies in every county that provide some services and there is no need for the State to get involved in

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stimulating such services on the local level. Therefore no legislation will be recommended to the 1989 Session of the North Carolina General Assembly.

The Committee does recommend that the General Assembly should carefully consider increasing the funding for CARE-LINE so that it can better do its job. This service serves a special purpose for people in need. It is also a special resource that could provide help with constituent services to General Assembly members.

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**SUBJECT:** GERONTOLOGY  
**Authority:** Chapter 873, Part II, § 2.4 (HB 384-Nye)

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## HUMAN RESOURCES

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### GERONTOLOGY

After its introductory meeting on November 24, 1987, in which the Committee heard from University health care professionals, from State data personnel, from the Department of Human Resources, Division of Aging, and from the Aging Study Commission counsel, the Committee decided to investigate three related areas of gerontological concern: (i) the availability and accessibility of adequate data sets necessary before any systematically-based assessment of the needs of the elderly can be undertaken; (ii) the availability of adequate, appropriate Statewide needs assessments of the elderly, necessary before any rational Statewide policy can be developed to meet present and future needs; and (iii) the overall acceptability and accessibility of health care, education, training, and services provided for caregivers of the elderly, and to the elderly themselves.

The Committee's nine formal recommendations focussed on these related issues, requiring seven pieces of legislation.

1. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF AGING TO SUBMIT TO THE GENERAL ASSEMBLY A REGULARLY UPDATED PLAN FOR SERVING OLDER ADULTS** to require that the Division of Aging to submit a plan for serving older adults to the General Assembly by March 1, of every odd numbered year, beginning March 1, 1991. The plan for serving older adults shall contain a detailed analysis of the needs of older adults in North Carolina, including demographical, geographical, health, social, economic, and other pertinent indicators. The plan shall contain a clear statement of the goals of the state's long-term public policy on aging. The plan shall contain an analysis of services and programs currently provided to older adults and specific implementation recommendations on expansion and funding of current and additional services and services levels. No additional appropriations are required.
2. The Committee recommended **A BILL TO REQUIRE THAT THE DIVISION OF AGING PROVIDE FOR THE COORDINATION OF ALL EXISTING DATA REGARDING THE ELDERLY AND TO REQUIRE THAT ALL STATE AGENCIES AND ENTITIES POSSESSING SUCH DATA COOPERATE WITH THE DIVISION** to require that the Division of Aging serve as the lead agency in providing for the obtaining, coordinating, and analyzing of existing data sets regarding the elderly, to ensure that adequate demographic, geographic, health, social, economic, and other pertinent indicators are available to generate its plan, and are available, upon request, to others in the State needing these data indicators. The Committee recommended that all State agencies and entities, including the Division of Health Services, the Division of Facility Services, and the Department of Administration, possessing data relating to the elderly cooperate, upon request, with the Division of Aging in effecting this recommendation. No additional appropriations are required.
3. The Committee recommended **A BILL TO REQUIRE THE DIVISION OF AGING TO BE THE INFORMATION CLEARING HOUSE REGARDING PROGRAMS AND SERVICES FOR THE ELDERLY IN NORTH CAROLINA** to require that the Division of Aging serve as the lead information agency providing information about services available and being

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provided for and to the elderly and to provide a calendar of services updated at least annually. The Committee recommended that all State agencies and entities administering state or federal funding for services for the elderly be required to provide by September 1 of each year all information required on services provided to the Division of Aging. No additional appropriations are required.

4. The Committee recommended **A BILL TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE WHOLE ISSUE OF NURSES' AIDES STANDARDS AND OF STANDARDS OF ALL NONPROFESSIONALS PROVIDING HANDS-ON CARE TO THE FRAIL ELDERLY IN NURSING HOMES AND DOMICILIARY CARE FACILITIES** that the issue of education, training, and other standards to be required of nurses' aides and other nonprofessionals providing hands-on care to the elderly in nursing homes, rest homes, and domiciliary care facilities be studied by a specifically appointed Legislative Research Commission Study Committee.
5. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO REQUIRE A MAJORITY OF CLINICIANS AND AT LEAST ONE CONSUMER ADVOCATE ON THE NURSING HOME/REST HOME PENALTY REVIEW COMMITTEE** to require that the Department of Human Resources' Nursing Home/Rest Home Penalty Review Committee be composed of a majority of clinicians and have at least one consumer advocate. The Committee recommended that the clinicians shall be selected from the following disciplines: physician, gerontological nurse specialist, rehabilitation therapist, and dietician. All these clinicians shall either be certified as having special competencies in geriatrics or gerontology, or be certified in the relevant specialty by an accredited professional organization. No additional appropriations are required.
6. The Committee recommended that the Mental Health Study Commission be encouraged to continue its study of how to protect the frail elderly in domiciliary care facilities from being emotionally and physically menaced by mentally disturbed persons confined in these facilities. No legislation is required.
7. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE WHOLE ISSUE OF ESTABLISHING A STATEWIDE YOUTH SERVICE PROGRAM TO PROVIDE YOUNG PEOPLE TO PERFORM NEEDED SERVICES FOR THE COMMUNITY, INCLUDING FOR THE ELDERLY IN INSTITUTIONS AND RESIDENTIAL FACILITIES, IN COMMUNITIES, AND IN THEIR OWN HOMES** that the Legislative Research Commission authorize a study to determine how to establish a State youth service program, which would encourage that North Carolina youth perform vital services for the community, including for the State's elderly. The Committee recommends that this study include a determination of the length of service encouraged, a determination of what educational or other incentives should be offered the youth in exchange for service, and what the service program's State mechanisms should be. No additional appropriations are required.
8. The Committee recommended that the Department of Public Instruction be encouraged to investigate innovative ways to inform all students, from

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kindergarten through the twelfth grade, about the aging process, about what it means to age, about how they will age. No legislation is required.

9. The Committee recommended **A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TRAINING OF CAREGIVERS AND OF VOLUNTEER ADULT SITTERS AND INFORMATION PROVIDERS FOR THE ELDERLY IN NORTH CAROLINA** to the North Carolina Agricultural Extension Service to continue and expand Statewide, in cooperation with the North Carolina aging network, the development of the training of caregivers, volunteer adult sitters, and volunteer information providers. Appropriations of fifty thousand dollars each fiscal year are required.

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## REVENUE, STATE PUBLICATIONS AND UNRULY STUDENTS

### V. REVENUE, STATE PUBLICATIONS AND UNRULY STUDENTS

**SUBJECT:** AQUARIUM FEES  
**Authority:** 1988 Session Laws, Chapter 1093 (HB 2656-Payne)

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#### AQUARIUM FEES

The Aquarium Fees Study Committee held three meetings between September and December of 1988. The Committee held its first two meetings at the aquarium facilities located at Fort Fisher and Roanoke Island.

The Committee discussed the needs of the three North Carolina aquariums, their current operating budget and expenditures, and the visitation figures and demographic trends affecting them. The Committee also studied the future of the aquariums, the

## REVENUE, STATE PUBLICATIONS AND UNRULY STUDENTS

various projects and plans the aquariums would like to develop, and the cost of implementing these plans. The Committee devoted a large amount of time at each meeting listening to the public's opinion on whether an admission fee should be charged to fund the budget and expansion plans of the aquariums.

The Committee found the aquariums to be understaffed, underequipped, and underfinanced. The citizens who spoke before the Committee overwhelmingly opposed any fee structure at this time. The Committee found the budget amounts requested by the Department of Administration for the aquariums to be reasonable and the improved facilities these funds will produce will allow the aquariums to better serve the educational needs of the people of this State.

The Committee recommended that the 1989 Session of the General Assembly enact AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA AQUARIUMS. Section 1 of the bill expands the operating budget of the aquariums for fiscal years 1989-90 and 1990-91. Section 2 appropriates \$663,800 to the aquariums for fiscal year 1989-90 to finance some necessary capital projects. Section 3 appropriates \$250,000 for each of the fiscal years 1989-90 and 1990-91 to be used for architectural site designs and exhibit plans.

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**SUBJECT: REVENUE LAWS STUDY CONTINUATION**

Authority: Chapter 873, Part II, § 2.1 (1) (11) (HJR 13-Lilley; HB 999-Mothershead)

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### REVENUE LAWS AND CORPORATE INCOME TAXATION

The Legislative Research Commission's Revenue Laws and Corporate Income Taxation Study Committee met nine times; six meetings were held before the 1988 Legislative Session and three meetings were held after that session. The Committee devoted its time to considering numerous small changes in the revenue laws and studying in depth several larger, more complex issues.

Before the 1988 Session, the Committee spent several meetings studying proposals for modifying the formulas for reimbursing local governments for their revenue losses due to the repeal of the property tax on inventory by the School Facilities Finance Act of 1987. As a result of its deliberations, the Committee recommended a bill to amend the law to provide for a more equitable and more complete reimbursement. This bill was enacted in modified form by the 1988 General Assembly as Chapter 1041 of the 1987 Session Laws.

Other major topics studied by the Committee both before and after the 1988 Session included (i) whether to allow corporations to file consolidated income tax returns; (ii) whether to repeal the interstate motor carrier registration fee under G.S. 105-449.47; (iii) whether to consolidate the State and local sales taxes; (iv) whether to provide a uniform system of tax exemptions for individuals with certain physical or medical conditions; (v) whether to recognize Subchapter S Corporations for income tax purposes; (vi) whether to revise the Individual Income Tax Act to conform to the Internal Revenue Code by structuring the tax as a percentage of federal taxable income; and (vii) whether to provide for a merchant's discount for collecting sales and use taxes. The Committee considered information and advice on these topics from legislative staff, the Department of Revenue, the Attorney General's Office, the Governor's Office, representatives of local governments, representatives of private business and professional organizations, and individual taxpayers.

The Committee decided to make no recommendation on the first four of these issues, consolidated corporate returns, the motor carrier registration fee, State and local

sales tax merger, and tax exemptions for medical conditions. The Committee also recommended no legislation regarding tax treatment of Subchapter S Corporations; however, such legislation was enacted by the 1988 General Assembly to become effective for taxable years beginning on or after July 1, 1990. The Committee has recommended legislation to restructure the Individual Income Tax Act to calculate the tax as a percentage of federal taxable income, **A BILL TO BE ENTITLED AN ACT TO STRUCTURE INDIVIDUAL INCOME TAX AS A PERCENTAGE OF FEDERAL TAXABLE INCOME**. The Committee has also recommended legislation to allow retailers who collect the State sales and use tax to retain a percentage discount as compensation for collecting the tax, **A BILL TO BE ENTITLED AN ACT TO ALLOW A PERCENTAGE DISCOUNT TO MERCHANTS FOR COLLECTING STATE SALES AND USE TAXES**.

As in the past, the Committee proved to be an excellent forum for taxpayers and tax administrators to propose changes in the revenue laws. Numerous taxpayers either appeared before the Committee or wrote to the Committee and suggested changes in the revenue laws. One major topic raised by taxpayers concerned the privilege license tax on flea market vendors and operators. The Committee developed compromise legislation to address the various concerns of local governments, retail merchants, the Department of Revenue, consumer trade show operators, and flea market vendors and operators regarding this tax, **A BILL TO BE ENTITLED AN ACT TO REPEAL THE PRIVILEGE LICENSE TAX FOR FLEA MARKET VENDORS, TO INCREASE THE TAX FOR FLEA MARKET OPERATORS, TO EXEMPT GOVERNMENTAL ENTITIES FROM THE TAX, TO REDEFINE FLEA MARKETS AS "SPECIALTY MARKETS", AND TO INCREASE THE PENALTY FOR CERTAIN VIOLATIONS**.

Other topics brought to the attention of the Committee by concerned taxpayers included:

1. Whether to extend the income tax exemption for double leg amputees to include amputations below the knee;
2. Whether to exempt insulin from sales tax;
3. Whether to provide uniform sales tax treatment for advertising;
4. Whether to allow a use tax credit for sales tax paid to another state on construction equipment;
5. Whether to authorize political campaigns to make certain charitable expenditures;
6. Whether to provide tax relief for purchasers of diesel fuel for non-highway uses; and
7. Whether to levy a privilege license tax on painting contractors.

The Committee made recommendations on the first five of these issues. Issues one and two, adopted by the Committee before the 1988 Session, were enacted in 1988 as Chapters 936 and 937 of the 1987 Session Laws. Issues three through five are recommended to the 1989 Session Laws as **AN ACT TO MAKE ADVERTISING AGENCIES LIABLE FOR SALES TAX ON ALL ITEMS PURCHASED BY THEM AND TO EXCLUDE ITEMS PRODUCED BY ADVERTISING AGENCIES FROM SALES TAX, THEREBY ENSURING THAT ADVERTISING SERVICES ARE NOT SUBJECT TO SALES TAX, AN ACT TO ALLOW A USE TAX CREDIT FOR**



## REVENUE, STATE PUBLICATIONS AND UNRULY STUDENTS

### **SALES TAX PAID TO ANOTHER STATE ON CONSTRUCTION EQUIPMENT BROUGHT INTO NORTH CAROLINA, and AN ACT TO AUTHORIZE POLITICAL COMMITTEES TO MAKE CERTAIN CONTRIBUTIONS.**

The Department of Revenue also made numerous proposals to the Committee to improve the administration of the revenue laws and to make the laws easier for taxpayers to understand. The proposals adopted by the Committee before the 1988 Session were enacted in 1988 as Chapters 1001, 1015, and 1044 of the 1987 Session Laws. The proposals of the Department of Revenue adopted after the 1988 Session are recommended to the 1989 General Assembly as **A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE REVENUE LAWS, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED TO DETERMINE CERTAIN TAXABLE INCOME AND TAX EXEMPTIONS, and A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CHANGES TO THE MOTOR CARRIER FUEL USE TAX SO THAT A UNIFORM TAX REPORTING FORM MAY BE ADOPTED.**

Finally, the Committee recommended that its study of the revenue laws of the State be continued by the Legislative Research Commission during 1989-90, as provided in its final proposal, **A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE TO STUDY THE REVENUE LAWS OF NORTH CAROLINA.**

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 2226, STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

**SUBJECT: STATE PORTS AUTHORITY AND INTERNATIONAL TRADE**  
**Authority: 1988 Session Laws, Chapter 1100, Subchapter A, Sec. 1.1(2), SB 257 (HB 2640-Hall)**

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### STATE PORTS AUTHORITY AND INTERNATIONAL TRADE

The Committee on the State Ports Authority and International Trade held three meetings in October and November 1988, once each in Wilmington, Morehead City, and Raleigh. The members worked diligently to gain an understanding of the problems facing the State Ports Authority, and to formulate recommendations for solving those problems. Speakers representing the Ports Authority and private groups addressed the Committee on ways in which the General Assembly might assist the Authority in becoming more competitive with the ports of South Carolina, Georgia, and Virginia. The Committee also provided a forum for members of the public to express their concerns about the Ports Authority.

The Committee makes the following recommendations in its report to the 1989 Session:

1. The Committee recommends that the General Assembly exempt the State Ports Authority from the purchasing and contracting and public building requirements of Chapter 143 of the General Statutes, and authorize the Ports Authority to develop its own rules and procedures for accomplishing the purchase of supplies, material, and equipment and the negotiation of building and other contracts. The report includes **A BILL TO BE ENTITLED AN ACT TO EXEMPT THE STATE PORTS AUTHORITY FROM THE PURCHASING AND CONTRACTING AND PUBLIC BUILDING PROVISIONS OF CHAPTER 143**, which creates this exemption while ensuring that the Ports Authority will remain accountable to the State and continue to honor the State policy behind the requirements of Chapter 143.
2. The Committee recommends that the General Assembly give the Board of the State Ports Authority the power to appoint the Executive Director of the Ports Authority and give the Executive Director the power to appoint, employ, dismiss, and fix the compensation of other Ports Authority employees. Those powers currently rest with the Secretary of Commerce. **A BILL TO BE**

## REVENUE, STATE PUBLICATIONS AND UNRULY STUDENTS

ENTITLED AN ACT TO AUTHORIZE THE BOARD OF THE STATE PORTS AUTHORITY TO APPOINT THE EXECUTIVE DIRECTOR OF THE AUTHORITY AND TO AUTHORIZE THE EXECUTIVE DIRECTOR TO APPOINT, EMPLOY, DISMISS AND FIX THE COMPENSATION OF OTHER PORTS AUTHORITY EMPLOYEES is included in the report.

3. The Committee recommends that the State, when it renegotiates its lease with Norfolk Southern Railroad in the next decade, consult with the State Ports Authority to determine what terms might be included in the new lease to address the needs of the state ports. The Committee feels it is imperative that the Ports Authority obtain land adjacent to the intermodal port facility in Greensboro in order to take advantage of rail service to the Morehead city port. Currently, there is no rail service from Greensboro to either Morehead or Wilmington, though Norfolk Southern has a line running from Greensboro to Morehead City.
4. The Committee requests that the General Assembly extend the State Ports Authority and International Trade Study for another two years, in order to allow the Committee to fully examine all of the issues presented and to make thoughtful, well-reasoned recommendations for improving the operations of the State Ports Authority and for enhancing the benefits of international trade to this State. The Committee finds that the problems faced by the Ports Authority, and the exploration of potential solutions to those problems, present too complex a study for the Committee to complete in the time allowed by the present legislation. Further, because the Committee felt the issues regarding the Ports authority were of a very pressing nature, it devoted its limited time to that portion of its charge, and was not able to explore the topic of international trade in its meetings. The report contains A **JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE TO STUDY THE STATE PORTS AUTHORITY AND INTERNATIONAL TRADE.**

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**SUBJECT: STATE PUBLICATIONS' NEED, FUNCTION, EFFECTIVENESS AND DISTRIBUTION**

**Authority:** Chapter 873, Part II, § 2.1 (46) (SB 1119-Martin, R.)

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### STATE PUBLICATIONS

The State Publications Study Committee met five times between November 1987 and October 1988. The Committee solicited the views of state employees involved in publications, librarians, and the State Auditor, among others, in developing the following finding and recommendations to the 1989 General Assembly.

#### A. FINDINGS

The Study Committee on State Publications, after a review and survey of state publications, makes the following findings:

- I. A large number of publications are being produced by state agencies, universities, community colleges, and licensing boards -- over 6000 titles were discovered in the committee's survey of state publications. No consistent guidelines exist concerning state agency publication production, style, or distribution. As a result of the inconsistency in state agency publications, librarians and others are often unable to locate and distribute, and the public is unable to

## REVENUE, STATE PUBLICATIONS AND UNRULY STUDENTS

utilize, the many useful publications available through state agencies.

2. Two large print shops, one located in the Department of Correction, the other in the Department of Administration, are serving the needs of state agencies. The State Auditor's Report to the Committee questions the need for two large print shops to accomplish the printing needs of state agencies.
3. The Committee's survey of state agency publications indicated difficulty in determining the exact cost elements involved in state printing and publications.
4. Testimony from the State Library, and other librarians affected by the State Depository Library System (G.S. 125-11.5 through 11.12) indicates the implementation of the State Depository System is proceeding, and that it is having a positive impact on state agency publication preservation and distribution.

### B. RECOMMENDATIONS

The Study Committee on State Publications makes the following recommendations to the 1989 Session of the General Assembly:

1. The Committee recommends the enactment of legislation to establish uniform guidelines for the production of State Publications. This recommendation is included in the report in a proposed bill entitled **A BILL TO BE ENTITLED AN ACT TO ESTABLISH A UNIFORM POLICY FOR THE PRODUCTION AND DISTRIBUTION OF STATE PUBLICATIONS.**
2. The Committee recommends the enactment of legislation to direct the Department of Administration to study the need for two State print shops. This recommendation is included in the report in a proposed bill entitled **A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO STUDY THE NEED FOR TWO STATE PRINT SHOPS.**
3. The Committee recommends the enactment of legislation to direct the University of North Carolina system to study the efficient operation and possible reallocation of the system's various printing facilities. This recommendation is included in the report in a proposed bill entitled **A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA TO TO STUDY THE EFFICIENT USE OF UNIVERSITY SYSTEM PRINTING FACILITIES.**
4. The Committee recommends amendment to the statement of costs for public documents, G.S. 143-170(a), include printing costs in the form of labor, and other identifiable design, typesetting, and binding costs. This recommendation is included in the report in a proposed bill to be entitled **A BILL TO BE ENTITLED AN ACT TO AMEND THE STATEMENT OF COST OF PUBLIC DOCUMENTS.**

## REVENUE, STATE PUBLICATIONS AND UNRULY STUDENTS

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**SUBJECT:** UNRULY STUDENTS  
**Authority:** Chapter 873, Part II, § 2.1 (16) (HB 1221-Brawley)

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### UNRULY STUDENTS

The Unruly Students Committee held five meetings and primarily focused its attention on the following matters: what the Department of Public Instruction ("DPI") has done to assist schools with discipline problems; what the colleges and universities

## REVENUE, STATE PUBLICATIONS AND UNRULY STUDENTS

are doing to prepare prospective teachers for the discipline problems they will face in the classroom; the Principals' Executive Program and the training that program provides school administrators relating to student discipline; assertive discipline programs implemented in elementary and secondary schools; alternative schools for chronically disruptive students; the statewide school facility standards adopted by the State Board of Education, focusing particularly on the relationship between facility standards, school organization, school size, and the problem of unruly students; the doctoral programs in education offered within the State; and in-school suspension programs. The Committee also heard from various interested persons including a high school teacher, a school principal, a school superintendent, and a representative of the North Carolina PTA regarding their perspective on unruly students and on parental versus teacher responsibility for unruly students.

The Committee made the following recommendations in its report to the 1989 General Assembly:

1. That a position be created in DPI and in each of the regional education centers whose sole function is to assist local schools with discipline problems and, to this end, that the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DISCIPLINE SPECIALIST POSITION IN THE DEPARTMENT OF PUBLIC INSTRUCTION AND IN EACH OF THE REGIONAL EDUCATION CENTERS.**
2. That the teacher education programs in the universities and colleges in this State be strengthened by providing better training for prospective teachers regarding student discipline and, to this end, that the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO REQUIRE COLLEGES AND UNIVERSITIES OFFERING A TEACHER EDUCATION PROGRAM TO PROVIDE BETTER TRAINING FOR PROSPECTIVE TEACHERS REGARDING STUDENT DISCIPLINE.**
3. That the Principals' Executive Program of the Institute of Government be expanded to include all school administrators on a regular and renewal basis and that the curriculum include more training for school administrators regarding student discipline.
4. That efforts continue to be made to reduce the student/teacher ratio in the public schools in this State.
5. That parental involvement in schools be encouraged and that DPI and interested groups, such as parent-teacher associations, teacher associations, school administrator associations, and school board associations, develop additional programs and strategies to encourage the involvement of parents in the education of their children.
6. That the State, local governments, and local school systems create and maintain alternative residential schools and alternative school programs for chronically disruptive students and that the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO WORK WITH LOCAL GOVERNMENTS AND LOCAL SCHOOL ADMINISTRATIVE UNITS TO CREATE AND MAINTAIN**

## STATE PERSONNEL AND MODERN FAMILY

on Justice and Public Safety could not see the rationale for deciding whether attorneys should be supplied by the Attorney General's Office or what procedures and specifications, if any, were used by various agencies in deciding that they needed legal assistance.

This Committee met seven times. It conducted an in-depth analysis of all legal positions in state government.

It found that in order to enhance the quality and cost-effectiveness of legal services provided to departments and agencies of state government, most of the legal services should be consolidated under the Attorney General in the Department of Justice. To implement this finding, it recommended that the Attorney General submit a report to the General Assembly, not later than April 15, 1989, to implement the deliberations of the Committee and to consolidate within the Attorney General's Office most positions providing legal services to the departments and agencies of state government. Those agencies exempted from the consolidation were: Employment Security Commission, Office of Administrative Hearings, Industrial Commission, Utilities Commission, Legislative Staff, The University of North Carolina (excluding the positions at North Carolina Memorial Hospital), Administrative Office of the Courts, Office of the Governor, and the Administrative Rules Review Commission.

The Committee also determined that each agency or department head should have an attorney at the deputy or assistant department head level to provide personal legal advice to the agency or department head on legal and policy matters.

The Committee determined that until the General Assembly acts further on this matter, all requests for additional attorney positions should be reviewed by the Attorney General and he should comment on whether or not his Office can provide the required services.

The Committee found that there is no designated fund for the payment of outside legal counsel when the Attorney General determined that he could not represent the Governor or a Department Head due to a conflict of interest. The Committee recommended that the Attorney General report to the General Assembly by April 15, 1989 concerning the creation and amount of such a fund to be appropriated by the General Assembly.

The Committee recommends the following legislation:

1. **A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ATTORNEY GENERAL'S STAFF STUDY CONDUCTED BY THE LEGISLATIVE RESEARCH COMMISSION WITH RESPECT TO A PLAN FOR THE CONSOLIDATION OF LEGAL POSITIONS WITHIN STATE GOVERNMENT.**
2. **A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ATTORNEY GENERAL'S STAFF STUDY CONDUCTED BY THE LEGISLATIVE RESEARCH COMMISSION WITH RESPECT TO AN APPROPRIATED FUND TO PAY OUTSIDE COUNSEL HIRED BY THE GOVERNOR.**

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STATE PERSONNEL AND MODERN FAMILY

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**SUBJECT: MODERN FAMILY**

**Authority:** Chapter 873, Part II, § 2.1 (9) (HJR 964-Perdue)

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## STATE PERSONNEL AND MODERN FAMILY

### MODERN FAMILY

The Study Committee on the Modern Family held four meetings between November of 1987 and November of 1988. The following subject matters were discussed: the state of the family in modern society, child abuse and neglect, the demographic profile of the family in North Carolina, the need for increased education, preventive efforts and intervention programs, and the current home economics and health education curricula. The Committee made six recommendations.

1. The Committee recommended that the State Board of Education encourage local school systems to involve parents more meaningfully in the advocacy of the education of their children and create pilot or model programs to train school personnel to work with families. The Committee requested the State Board of Education report back to the General Assembly no later than April of 1990 regarding their progress.
2. The Committee recommended that the State Board of Education review its minimum graduation requirements to consider the designation of one of the nine currently designated electives as a required course providing specific instructions in parenting skills.
3. The Committee recommended endorsement of an increase in funding of the Drug Abuse Resistance Education program.
4. The Committee recommended that the 1989 General Assembly enact **A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FAMILY**. The bill would establish an independent study commission to study the needs of the family. This bill includes the following specific areas for consideration by the Commission on the Family:
  - a. The feasibility of establishing model projects that would be located primarily in low-income, high drop-out rate communities in North Carolina: (a) to teach parents to read; and (b) to provide after school care for school-aged children; using volunteers who could be retirees in the provision of services;
  - b. The fiscal impact of a cash stipend created by a tax deduction or by industry dollars to promote literacy or the obtainment of a General Education Development degree;
3. The needs for day care care for children and senior citizens, an increase in Aid to Families with Dependent Children payments and eligibility requirements, coordination of state law with federal welfare reform programs, in-home services for the elderly, additional funding for adult day care, and incentives for industries to develop day care programs; and
4. The relationship between the decline of real income and the tax structure, college tax credits, the minimum wage, and welfare support systems.

## STATE PERSONNEL AND MODERN FAMILY

5. The Committee recommended that the General Assembly encourage statewide educational efforts by those volunteer organizations that include emphasis on promotional efforts focusing on strengthening the family especially in the areas of Marital Communications, Parent/Child Relationships, Discipline in the Family, and Financial/Legal Advice for the Family.
6. The Committee recommended that the 1989 Session of the General Assembly enact **A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAREGIVER SUPPORT TRAINING FOR THE ELDERLY OF NORTH CAROLINA.** The bill would appropriate the sum of \$50,000 for the 1989-1990 fiscal year and \$50,000 for the 1990-1991 fiscal year from the General Fund to the Board of Governors of The University of North Carolina for the "Planning Ahead for Elder Care" program of the Agricultural Extension Service at North Carolina State University to continue, with the cooperation of the North Carolina Aging Network, the development and expansion of the statewide training of caregivers to the elderly, volunteer adult sitters for the elderly, and volunteer information providers to the elderly.

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**SUBJECT: PARENTAL LEAVE**  
**Authority: Chapter 873, Part II, § 2.5A (HB 965-Kennedy)**

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### PARENTAL LEAVE

The Parental Leave Study Committee met twice prior to the 1989 Session. The Committee received testimony in support of parental leave in North Carolina from a professor and a nurse in the field of maternal and child health; a professor of family and social psychology; and representatives from a professional women's organization, the Human Relations Council, and the N.C. AFL-CIO. Ms. Susan Valauri of the N.C. Chapter of the National Federation of Independent Business spoke in opposition to parental leave.

The Committee reviewed H.B. 965, the Parental Leave bill introduced by Cochairman Representative Annie Kennedy during the 1987 Session. The Committee discussed the current applicable law, the "Pregnancy Discrimination Act," which amends Title VII of the Civil Rights Act. Current business practices regarding maternity and pregnancy leave were discussed. The Committee also discussed the parental leave bills that were then being considered by Congress, H.R. 925, The Family and Medical Leave Act, and S. 249, The Parental and Temporary Medical Leave Act of 1987.

The Committee decided not to meet until after the federal parental leave bills were voted on by Congress. The package of family bills that included parental leave died in the United States Senate on October 7, 1988. The Cochairmen of the Parental Leave Study Committee decided it was futile to proceed further with the Committee's study at this time.

The Committee did not transmit to the Legislative Research Commission a report to the 1989 General Assembly on the subject of parental leave.

**SUBJECT:** STATE PERSONNEL SYSTEM, CONTINUATION OF STUDY OF  
**Authority:** Chapter 873, Part II, § 2.1 (5) (35) (HJR 247-Stamey; SJR 178-Hunt, W.; SJR 357-Sherron) and Chapter 873-Part II, § 2.3 (HB 1133-Cunningham)

## STATE PERSONNEL AND MODERN FAMILY

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### STATE PERSONNEL SYSTEM. WELLNESS PROGRAM FOR STATE EMPLOYEES. AND VETERANS PREFERENCE IN STATE EMPLOYMENT

The Committee met seven times. The Committee heard from veterans groups; the Office of State Personnel; the State Employees Association of N.C.; authorities in the area of health promotion and disease prevention; vendors of employee wellness programs; the director of the State WISE Program; participants in the State WISE

## STATE PERSONNEL AND MODERN FAMILY

Program; persons interested in a cafeteria style benefits program for some segment of the State employee population, such as public school employees or nurses; employers, both public and private, that provide a wellness program or cafeteria style benefits for their employees; and members of the former Pay Systems Task Force.

The Committee discussed the advisability of strengthening the veterans preference in State employment; employee wellness programs in general and the State employee wellness program; current State personnel practices and policies; the State pay system; the State classification system; merit pay for State employees; and cafeteria style benefits.

The Committee made the following findings:

1. An ongoing committee should be authorized to study the State Personnel System as well as the entire range of personnel problems of State employees that continue to arise. The charge of an ongoing committee should be broad. The State pay system, the State classification system, and cafeteria style benefits need further study.
2. Employee wellness programs increase employee productivity, decrease absenteeism, and lower the long range cost of health care. The Committee finds that the wellness program for State employees, the State WISE Program, promotes the health of State employees and benefits the State.

In the three years since its inception the State WISE Program has provided wellness programs for State employees throughout the State. This work has been accomplished with a small staff and no direct funding from the General Assembly. Legislative endorsement and financial support is needed.

3. This Committee endorses the concept of an objective merit pay system for State employees. Implementation of an objective merit pay system would alleviate some of the problems in the State pay system and the State classification system. The reward of outstanding performance is desirable and will serve to retain valuable employees in State employment.

The Committee finds that employers have misused the classification system in an attempt to reward an employee's exceptional performance. Such misuse introduces permanent change to the classification system and is cost ineffective. The implementation of an objective merit pay system is warranted, as distinguished from the reinstitution of the previous merit pay system in State government.

4. H.B. 1133, a bill to strengthen veterans preference in State employment, was ratified during the course of the Committee's proceedings.

The Committee recommends that the General Assembly:

## STATE PERSONNEL AND MODERN FAMILY

1. Enact A **JOINT RESOLUTION TO CONTINUE THE WORK OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON STATE PERSONNEL** as an ongoing study.
2. Enact A **BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE STATE W.I.S.E. (WELLNESS IMPROVEMENT FOR STATE EMPLOYEES) PROGRAM.** The bill would appropriate \$71,730 for the 1989-90 FY and \$104,904 for the 1990-91 FY to support the State WISE Program.
3. Endorse the concept of an objective merit pay system for State employees. The appropriations committees for the House and the Senate and the substantive standing committees dealing with State personnel issues should work toward designing and funding an objective merit pay system for State employees.
4. Take no further action at this time regarding veterans preference in State employment.

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## STATE REGULATION

### VII. STATE REGULATION

**SUBJECT:** CAMPAIGN AND ELECTION PROCEDURES  
**Authority:** Chapter 873, Part II, § 2.1 (23) (HB 1533-Crawford, N.)

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#### CAMPAIGN AND ELECTION PROCEDURES

The LRC Committee on Campaign and Election Procedures met four times, twice before and twice after the 1988 Short Session.

## STATE REGULATION

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### MILITARY JUSTICE CODE FOR THE NATIONAL GUARD

This Committee was created to consider HB 1265, introduced by Representative Alexander during the 1987 Session, to create a military justice code for the North Carolina National Guard.

The current statutes provide that the Uniform Code of Military Justice, contained in Title 10, United States Code, shall apply to the North Carolina National Guard. Because of limitations on manpower and the different circumstances between service in the active duty armed forces and the state militia, the current system is unworkable.

The Committee held three meetings. The Committee conducted a survey of the military justice provisions in the other states and carefully considered the contents of a revised military justice code based on the best provisions of the military justice codes enacted in the other states.

The Committee recommended to the General Assembly the enactment of a **BILL TO BE ENTITLED AN ACT TO ENACT A CODE OF MILITARY JUSTICE FOR THE NORTH CAROLINA NATIONAL GUARD.**

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## STATE REGULATION

**SUBJECT:**       **SAFE ROADS**  
**Authority:**     Chapter 873, Part II, § 2.1 (38) (SB 509-Harris)

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### SAFE ROADS ACT

For more than fifty years the General Assembly has been grappling with the problem of drinking drivers. In 1983 the General Assembly adopted a sweeping and

## STATE REGULATION

comprehensive change in the drunk driving laws known as the Safe Roads Act. That Act was modified in 1984. During the 1987 Session, seven bills were introduced to modify the Safe Roads Act and this study was created to consider those changes and any others needed, in order to provide a comprehensive and coordinated review of the Act.

The Committee held eight meetings during their deliberations. These included public hearings in Asheville, Winston-Salem, Wilmington, and Raleigh where the comments of the public were solicited.

The Committee made the following recommendations:

1. That the allowable blood alcohol level be reduced from 0.10 percent by weight to 0.08.
2. That the fines for driving while impaired be increased and that new minimums be imposed.
3. That the first breath test be admissible if the accused person willfully refuses to give a second sequential breath sample.
4. That open containers of any alcoholic beverage be banned from the passenger compartment of motor vehicles.
5. That the punishment level of driving while impaired be modified so that conviction of driving while impaired could be used as an aggravating factor under the Fair Sentencing Act.
6. That the revocation of a provisional licensee's license be 45 days or until he reaches 18 years of age, whichever is longer.
7. That mandatory revocation of a driver's license be extended to all instances of homicide involving a motor vehicle.
8. That involuntary manslaughter be a lesser included offense of felony death by vehicle.
9. That the law be changed to clearly make the implied consent laws applicable to juveniles.
10. That impaired driving in a commercial vehicle be addressed by the 1989 General Assembly.
11. That 0.09 instead of 0.11 be a mitigating factor in driving while impaired sentencing.
12. That the law be clarified to close the "loophole" that allows a defendant convicted of two driving while impaired offenses to plead in a certain order and avoid the mandatory jail time.
13. That consideration be given to simplifying the paperwork needed to process a person arrested for driving while impaired and that an "Ad Hoc" Committee headed by the Commander of the Highway Patrol report to the General Assembly, no later than April 15, 1989, with any legislation needed to accomplish this simplification.

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14. That consideration be given to modifying the procedures required to process a person arrested for driving while impaired and that an "Ad Hoc" Committee headed by the Commander of the Highway Patrol report to the General Assembly, no later than April 15, 1989, with any legislation needed to accomplish this simplification.
15. That this study be continued, or that the 1989 General Assembly create a new study to focus on the difficult questions of the person driving a motor vehicle while under the influence of drugs.
16. That the General Assembly assist, in any way possible, the programs established for the assessment, identification, and treatment of persons with alcohol abuse problems, some of which were started under laws enacted by the 1987 General Assembly, and others that will be suggested to the 1989 General Assembly.

The Committee recommends the following legislation:

1. **A BILL TO BE ENTITLED AN ACT TO DECREASE THE BLOOD ALCOHOL CONCENTRATION LEVEL WITH RESPECT TO DRIVING WHILE IMPAIRED TO 0.08.**
2. **A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINES FOR VIOLATIONS OF DRIVING WHILE IMPAIRED.**
3. **A BILL TO BE ENTITLED AN ACT TO PERMIT THE INTRODUCTION OF THE FIRST BREATH TEST WHEN THE ACCUSED REFUSES TO TAKE A SECOND SEQUENTIAL TEST OR REFUSES TO COOPERATE IN THE PRODUCTION OF A SECOND SEQUENTIAL BREATH TEST.**
4. **A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OF OPENED CONTAINERS OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES.**
5. **A BILL TO BE ENTITLED AN ACT TO PERMIT A CONVICTION OF LEVEL FIVE DRIVING WHILE IMPAIRED TO BE USED AS AN AGGRAVATING FACTOR UNDER THE FAIR SENTENCING ACT.**
6. **A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE PERIOD OF LICENSE REVOCATION FOR PROVISIONAL LICENSEES CONVICTED OF DRIVING AFTER DRINKING.**
7. **A BILL TO BE ENTITLED AN ACT TO REQUIRE MANDATORY REVOCATION OF LICENSE IN THE CASE OF HOMICIDE RESULTING FROM MOTOR VEHICLE OPERATION.**
8. **A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR FELONY DEATH BY VEHICLE AND TO MAKE INVOLUNTARY MANSLAUGHTER A LESS INCLUDED OFFENSE.**
9. **A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT JUVENILES ARE INCLUDED WITHIN THE CLASS OF PERSONS SUBJECT TO THE IMPLIED CONSENT LAWS.**

## STATE REGULATION

10. A BILL TO BE ENTITLED AN ACT TO MAKE OPERATING A COMMERCIAL VEHICLE WITH MORE THAN 0.02 PERCENT ALCOHOL BY WEIGHT IN THE OPERATOR'S BLOOD THE OFFENSE OF DRIVING WHILE IMPAIRED IN COMMERCIAL VEHICLE.
11. A BILL TO BE ENTITLED AN ACT TO MAKE A BLOOD ALCOHOL LEVEL NOT EXCEEDING 0.09 A MITIGATING FACTOR IN SENTENCING FOR DRIVING WHILE IMPAIRED.
12. A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SENTENCING PROCEDURES WHEN TWO OR MORE OFFENSES OF DRIVING WHILE IMPAIRED ARE SENTENCED TOGETHER.

THE FULL REPORT OF THE COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 2226, STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

**SUBJECT:** SPORTS LAWS  
**Authority:** Chapter 873, Part II, § 2.1 (30) (HB 2093-Miller)

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## STATE REGULATION

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### SPORTS LAWS

The LRC Committee on Sports Laws did not meet or issue a final report. (However, see Chapter 1098 of the 1987 Session Laws (1988 Reg. Sess.) for legislation regulating sports agents).

**SUBJECT:** SUPERIOR COURT JUDGES ELECTION AND TERMS  
**Authority:** Chapter 509, § 11 of the 1987 Session Laws (HB 589)

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## STATE REGULATION

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### SUPERIOR COURT JUDGE ELECTION AND TERMS

The study of Superior Court Judge Election and Terms was authorized by Chapter 509 of the 1987 Session Laws, which authorizes the Legislative Research Commission to study conforming changes necessitated by enactment of that chapter. It was introduced as House Bill 589 by Representative H. M. Michaux, Jr. The Committee on Superior Court Judge Election and terms held meetings on January 22 and May 11, 1988. Assistance was given by committee counsel and by staff of the Administrative Office of the Courts.

Chapter 509 of the 1987 Session Laws was enacted because of a desire by the General Assembly to change the election system for superior court judges so as to give minority candidates a chance to nominate and elect candidates of their choice to those judgeships. Of the 64 regular superior court judges in office at the time of convening of the 1987 Session, only one was black. In addition to that judge, only one other black had ever been elected a superior court judge in modern history. Also, during the 1988 campaign for superior court judge in the district containing Robeson County, one of the candidates was murdered, leaving much turmoil in that county.

The committee, recommended the following pieces of legislation:

1. **A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING AMENDMENTS TO CERTAIN LOCAL ACTS TO REFLECT CHAPTER 509, SESSION LAWS OF 1987, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.** This bill was introduced as Senate Bill 1567, and ratified as Chapter 1042, Session Laws of 1987. The bill, is the result of computer based searches of all local acts since January 1, 1969. A number of local acts mention specific judicial districts by number, and the number is no longer accurate, or make references to judicial districts, a generic term no longer usable in many cases.

The bill updates such references concerning the Wake County Bureau of Investigation. Durham County special grand juries under a Durham City charter provision, updates a reference in the Mecklenburg County Fair Housing Act, makes a similar change concerning the Currituck Game Commission and similarly amends a local act concerning legal advertising in Mint Hill and Matthews.

2. **A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 7A OF THE GENERAL STATUTES TO ACCOUNT FOR THE ALTERATION OF JUDICIAL DISTRICTS 12 AND 16 BY CHAPTER 509, SESSION LAWS OF 1987, BY ADDING AN ADDITIONAL SUPERIOR COURT JUDGE, MAKING DISTRICT COURT AND PROSECUTORIAL DISTRICTS THE SAME AS THE JUDICIAL DISTRICTS IN THAT AREA, PROVIDING FOR A PUBLIC DEFENDER IN ALL FOUR COUNTIES INVOLVED, AND TO MAKE OTHER CONFORMING CHANGES, ALL AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.** This bill was introduced as House Bill 2215, and ratified as amended as Chapter 1056, Session Laws of 1987.



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The Committee looked at the special situations in Cumberland, Hoke, Robeson, and Scotland Counties. A public defender was established only in Judicial District 12. Chapter 509 took Hoke County and moved it into Superior Court District 16A with Scotland, and made Robeson County into Superior Court District 16B. No comparable change were made in the district and prosecutorial districts, and Chapter 509 did not clarify how the public defender for district 12 was to be appointed.

The committee recommended a new superior court judgeship in Judicial District 16B, realigning the district court districts and prosecutorial districts along the new lines established for the superior court, extending the public defender system to Robeson and Scotland Counties, and aligning the defender districts along with the superior court districts.

The committee looked at the public defenders law in judicial district 3. Although the district includes Pitt, Carteret, Craven, and Pamlico Counties, because of an uncodified special provision from 1983, the public defender serves only Pitt and Carteret Counties. After testimony from the local delegation, the committee recommended that the defender district be divided, with defender district 3A being Pitt County, and defender district 3B being Carteret County.

Parts of a 1983 appropriations act, making appropriations for certain local projects, provide that funds may be used for dispute settlement centers anywhere within certain judicial districts. Since Chapter 509 divides those districts, this bill would change the reference to district court district, so as to carry out the original intent.

3. **A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CHANGES TO LAWS RELATING TO COURTS, SO AS TO CONFORM TO CHAPTER 509 OF THE 1987 SESSION LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.** This bill was introduced as House Bill 2216, and ratified as amended as Chapter 1037, Session Laws of 1987. This act cleans up the large body of obsolete references to jurisdiction by district.

The first effect is to change references in the election system concerning election of superior court judge from judicial district to superior court district, as opposed to district court and prosecutorial districts.

A new G.S. 7A-41.1 is proposed to define district and set of districts, key words to be used in many other statutes amended by the bill. The bill also goes on to clearly indicate how to determine the senior resident superior court judge for each county. The remainder of the bill largely consists of insertion of reference to G.S. 7A-41.1 in statutes where superior court is intended, to district court districts when district court is intended, and to when the prosecutorial district is intended.

## STATE REGULATION

While making these conforming changes, some outdated phrases are updated as well, such as changing a reference from the old Department of Social Rehabilitation and Control (abolished a decade ago) to the Department of Human Resources.

A few policy changes had to be decided on while considering the conforming amendments. For instance, in G.S. 7A-459, indigent counsel is to be appointed in counties where there is no public defender, drawing from the bar of the "district". The committee recommended reference to the bar district as being parallel to the body making rules under that statute.

The second point concerned G.S. 15A-544, where defaulting sureties on a bond were barred from writing bonds in the same district. The proposal bars bonds in the same prosecutorial district. In addition, Chapter 85C of the General Statutes provides that in case of conflict between Chapters 15A and 85C, 15A is to prevail. The bill provides that a revocation under Chapter 85C can still be made statewide even though 15A-544 may cause a revocation in just a district.

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## TRANSPORTATION AND AGRICULTURE

### VIII. TRANSPORTATION AND AGRICULTURE

**SUBJECT:** AUTOMOBILE INSURANCE

**Authority:** Chapter 873, Part II, § 2.1(47E) (HB 1) (HB 2159-Beard)

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#### AUTOMOBILE INSURANCE

The LRC Committee on Automobile Insurance met five times prior to the 1989 Session of the General Assembly. The Committee chose the review of the implementation of Chapter 869 of the 1987 Session Laws (House Bill 1158) as its primary function.

House Bill 1158 amended the way in which losses of the North Carolina Motor Vehicle Reinsurance Facility are recovered in order to spread those losses more equitably; required revisions of the Safe Driver Incentive Plan (SDIP) in order to

## TRANSPORTATION AND AGRICULTURE

reduce the excessive insurance premium burdens on those who commit minor traffic violations or have minor traffic accidents; and required proof of financial responsibility for certain drivers' license applicants and people seeking limited driving privileges in order to reduce the likelihood that drivers will attempt to drive uninsured and insureds will attempt to avoid payment of proper premiums.

The Committee focused primarily on the effects of the new proof of financial responsibility requirements since the revised SDIP was not approved by the Commissioner of Insurance until November 15, 1988, and will not become effective until May 15, 1989. The Committee determined that the proof of financial responsibility requirements should remain intact, except for a few changes that should be made to assist the North Carolina Division of Motor Vehicles in administering these requirements. The Committee recommended, as part of its final report, **A BILL TO BE ENTITLED AN ACT TO AMEND THE PROOF OF FINANCIAL RESPONSIBILITY REQUIREMENTS FOR OBTAINING DRIVERS' LICENSES AND LIMITED DRIVING PRIVILEGES.**

The Committee found that the provisions of House Bill 1158 that are not yet in effect should be closely monitored by the General Assembly once they are implemented and once their impact becomes apparent.

In addition to House Bill 1158, the Committee reviewed a broad range of topics, such as representation of domestic insurance companies on the Governing Board of the North Carolina Motor Vehicle Reinsurance Facility, collision damage waivers for rental cars, territorial definition for military bases, and the effects of establishing a deviated upward market. As a result of these discussions, the Committee recommended, as part of its final report, **A BILL TO BE ENTITLED AN ACT TO AMEND THE MEMBERSHIP REQUIREMENTS FOR THE BOARD OF GOVERNORS OF THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY.**

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 2226, STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

**SUBJECT: FARM ISSUES**

Authority: Chapter 873, Part II, § 2.1 (6) (HJR 355-Beall) and Chapter 873, Part II, § 2.2 (HB 1055-Locks)

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## TRANSPORTATION AND AGRICULTURE

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### FARMLAND PRESERVATION AND FARM ISSUES

The LRC Committee on Farm Issues and Farmland Preservation Policy and Techniques, chaired by Senator Aaron Plyler and Representative Ray Fletcher, held three meetings, and focused on the issues of farm debt mediation, the right of first refusal in the purchase of foreclosed agricultural land, partial redemption of foreclosed agricultural land, and farmland preservation policies.

The Committee heard from numerous groups concerning farm debt mediation, including representatives of farm advocacy organizations, agricultural lenders, the Department of Agriculture, and third-party mediation groups. The Committee used House Bill 1055 (1987 Session), a bill requiring a 56-day mediation period prior to foreclosure on an agricultural loan or judgment of \$10,000 or more, as its starting point for discussions. At the Committee's direction, staff counsel later met with representatives of farmers, lenders, and creditors to determine if they could reach an agreement on some form of mandatory mediation of farm debts. No consensus was reached on the issue.

The Committee also solicited testimony on farmland preservation policies and techniques. In addition to an overall view on farmland preservation provided by a representative of American Farmland Trust, a Winston-Salem official briefed the Committee on that city's new purchase of development rights program in which the city purchases from farmers owning prime agricultural land the right to develop the land, thereby ensuring that the land remains primarily undeveloped and in agricultural use. The Committee did not issue a final report.

## TRANSPORTATION AND AGRICULTURE

**SUBJECT: FERRIES**

**Authority:** Chapter 873, Part II, § 2.1 (48) (49) (SB 1174-Basnight; SB 1176-Basnight)

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### FERRIES, OREGON INLET, AND HURRICANE EVACUATIONS

The Study Committee on Ferries, Oregon Inlet, and Hurricane Evacuations met five times between February and November, 1988. The Committee solicited the views of citizens, local government officials, and the Office of Emergency Management in developing the following findings and recommendations to the 1989 session.

#### A. FERRIES

1. The Committee endorses the Ferry Division's 10-year plan, and recommends funding for the 1989-90 phase of the ten-year plan.

## TRANSPORTATION AND AGRICULTURE

totaling \$4.4 million for three additional vessels and shore facility improvements.

2. The Committee endorses the professional development program at the Ferry Division. This program provides properly trained and certified personnel to operate the State's ferry system safely and effectively.
3. The Committee recommends that all Ferry Division personnel be properly certified, and that as positions become available, they be filled with certified personnel. In addition, the Committee recommends that all personnel gaining certification be granted pay increases accordingly.
4. The Committee endorses the public relations program of the Ferry Division. This program provides print and personnel service to the thousands of travelers, both in and out of state, that utilize the State's Ferry Facilities each year. In addition, the Committee encourages the Ferry Division to train employees to provide information and commentary on the attractions of coastal North Carolina during each ferry trip.
5. The Committee recommends, whenever feasible, that ferry maintenance and construction be undertaken in North Carolina.

### B. OREGON INLET

The Committee finds that a dependable and safe navigation channel at Oregon Inlet is vital to the economic well-being of coastal North Carolina. The Committee also finds that present efforts to keep the channel open for navigation have not been successful. Therefore, the Committee recommends the construction of a dual jetty system to stabilize the Oregon Inlet Channel, as authorized by the United States Congress in December 1970.

### C. HURRICANE EVACUATIONS

1. The Committee recommends the enactment of legislation to provide higher wind load standards for coastal area schools, in order to make them safe emergency shelter sites. This recommendation is included in the report in a proposed bill entitled **A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HIGHER WIND LOAD STANDARDS FOR COASTAL AREA SCHOOLS.**
2. The Committee recommends that funds be appropriated to coastal area counties to provide adequate emergency radio equipment, that funds be appropriated for a satellite weather service system to provide weather data to coastal counties subject to hurricanes to replace the current teletype system presently being phased out by the NOAA, and that funds be appropriated to provide hurricane emergency evacuation road signs. These three recommendations are included in the report in a proposed bill entitled **A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE OF EMERGENCY MANAGEMENT RADIOS FOR COASTAL AREA COUNTIES, FOR A SATELLITE WEATHER**

## TRANSPORTATION AND AGRICULTURE

### RECEIVING SYSTEM, AND FOR HURRICANE EMERGENCY EVACUATION ROAD SIGNS.

3. The Committee recommends that the 1989 General Assembly consider as a part of its Highway Funding proposals, the great need of coastal North Carolina for adequate bridge and highway links - to provide safe and rapid emergency evacuation for the thousands of coastal residents and tourists.

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## WASTE MANAGEMENT

### IX. WASTE MANAGEMENT

**SUBJECT:** LEAKING UNDERGROUND STORAGE TANKS  
**Authority:** Chapter 873, Part II, § 2.5 (HB 1304-Wicker)

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#### LEAKING UNDERGROUND STORAGE TANKS

The Leaking Underground Storage Tanks Study Committee met three times prior to the 1988 Session.

At its first meeting, held on 10 November 1987, the Committee heard from Ms. Mary Joan Pugh, Assistant Secretary for Natural Resources, Department of Natural Resources and Community Development (NRCD), and Mr. Perry Nelson, Chief, Groundwater Section, Division of Environmental Management, NRCD, concerning the

## WASTE MANAGEMENT

nature and extent of the underground storage tank problem. They outlined the features of proposed federal regulations on this subject, including anticipated requirements for federal approval of state underground storage tank programs. Ms. Pugh and Mr. Nelson also made various recommendations for changes to House Bill 1304 which they stated were necessary to insure that the leaking underground storage tank program established by the bill would be workable, sufficiently comprehensive, and eligible for federal approval. The Cochairmen requested that these recommendations be submitted by the Department to the Committee Counsel in writing. [House bill 1304, **A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FUND TO BE USED TO CLEAN UP ENVIRONMENTAL DAMAGE CAUSED BY LEAKING UNDERGROUND TANKS**, was introduced by Representative Wicker et al. on 6 May 1987, passed third reading in the House of Representatives on 26 May 1987, and was referred to the Senate Committee on Finance on 1 June 1987, where it remained at the time the 1987 Session adjourned. Thus, under the 1987 Adjournment Resolution, House Bill 1304 was eligible for consideration by the 1988 Session.] In addition, the Committee heard from Mr. Wesley Webster, Assistant Secretary, Department of Transportation who stated that Secretary of Transportation James E. Harrington, Jr. recognized underground storage tanks as a major problem requiring immediate attention, would work with the Committee in every way possible, but opposed financing a program from the Highway Fund. The Committee also heard from representatives of business and environmental groups.

At its second meeting, held on 9 December 1987, the Committee heard a report from its Counsel, George F. Givens, on financing mechanisms for underground storage tank programs in use in other states. The Committee then heard from Mr. Perry Nelson as to specific recommended changes to House Bill 1304. The Cochairmen again requested that these be submitted by the Department in writing in the form of proposed amendments or a proposed committee substitute. The Cochairmen also asked the Department for its recommendations as to a funding mechanism for House Bill 1304. The Committee also heard from representatives of business and industry groups.

At its third meeting, held on 10 May 1988, the Committee began by hearing from Ms. Sheila Pagura of Alamance County concerning her personal experiences in trying to deal with groundwater contamination caused by a leaking underground gasoline storage tank. The Committee then received a proposed committee substitute for House Bill 1304 from Ms. Sandra Duke, Legislative Liaison, NRCD. She stated that the Department's proposal was the product of a task force composed of representatives of the Department, the petroleum industry, and environmental groups. She also stated that although the task force met seven times in the course of its work, the draft she was presenting did not have the solid endorsement of all the groups represented in the task force. Mr. Perry Nelson explained the specific features and underlying rationales of the Department's draft bill. The Committee then heard from Mr. Paul Lawler, representing the North Carolina Petroleum Marketer's Association, who presented an alternate proposed committee substitute for House Bill 1304. Mr. Lawler explained that the primary differences between the two proposals were that the NRCD sponsored bill called for a \$30 million program which Mr. Lawler characterized as unrealistic, and that the industry sponsored bill made no provision for existing leaks. The Committee also heard from Mr. Bill Holman, representing the Conservation Council of North Carolina and the Sierra Club, who stated that while he had worked with the Department's task force, he had reservations regarding both bills because, although they address the industry's liability problem, they both failed to provide for prevention of leaks, clean up of existing leaks, or aggressive identification of abandoned tanks. Following discussion, the Committee voted to refer the Petroleum Marketer's Association (Lawler) proposed committee substitute for House Bill 1304 to the 1988

## WASTE MANAGEMENT

General Assembly, subject to review and redrafting by the Committee Counsel, with a favorable recommendation.

A redrafted version of the Study Committee's recommended committee substitute for House Bill 1304 was adopted by the Senate Committee on Finance on 16 June 1988. House Bill 1304, as subsequently amended, was ratified on 30 June 1988 as **A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CLEANUP OF ENVIRONMENTAL DAMAGE CAUSED BY LEAKING PETROLEUM UNDERGROUND STORAGE TANKS.** The principle provisions of Article 21A of Chapter 143 of the General Statutes, as enacted by House Bill 1304, sunset on 31 December 1989.

Although House Bill 1304 was eligible for consideration by the 1988 Session, the Committee was not authorized to report to the 1988 General Assembly. Thus no formal report accompanied the Committee's recommended committee substitute for House Bill 1304. The Committee did not meet following the 1988 Session and made no recommendations to the 1989 General Assembly.

**SUBJECT: LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT**  
**Authority: Chapter 873, Part II, § 2.1 (36) (SB 359-Tally)**

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### LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

The Low-Level Radioactive Waste Management Study Committee met twice prior to the 1988 Session.

At its first meeting, held on 3 December 1987, the Committee Counsel, George F. Givens, reviewed for the Committee the extensive legislation pertaining to low-level radioactive waste management enacted by the 1987 General Assembly. The 1987 legislation included enactment, in one form or another, of virtually all of the recommendations made to the 1987 General Assembly by the predecessor to the present Committee, the Legislative Research Commission's Low-Level Radioactive Waste Regulation Committee. The Committee noted the functions of its companion committee, the Joint Select Committee on Low-Level Radioactive Waste, the fact that two of the members of the Committee also serve on the Joint Select Committee, and that Counsel to the Committee also serves as Counsel to the Joint Select Committee. The Committee adopted a budget with the caveat that Committee funds could be used for staff travel relative to low-level radioactive waste management at the discretion of the Cochairmen. The Committee also heard from the following: Captain William H. Briner, USPHS (Ret.), North Carolina Compact Commissioner, on the work of the Southeast Interstate Low-level Radioactive Waste Management Compact Commission, particularly with respect to action by the Commission on the amendments to the Compact required to be made as a condition of North Carolina's continued membership; Dr. Merril Eisenbud, Chairman of the North Carolina Low-Level Radioactive Waste Management Authority, as to the progress of the Authority, which began operation on 30 September 1987 with Dr. Eisenbud serving also as acting Executive Director; Mr. Dayne H. Brown, Chief, Radiation Protection Section, Division of Facility Services, Department of Human Resources (DHR), regarding regulations for land disposal of low-land level radioactive waste, which were adopted by the Radiation Protection Commission and become effective 1 December 1987; Dr. Linda Little, Executive Director, Governor's Waste Management Board, DHR, regarding the work of the Inter-Agency Committee on Low-Level Radioactive Waste; Mr. Bill Holman, representing the Conservation Council of North Carolina and the Sierra Club; and others.

At its second meeting, held on 2 March 1988, the Committee heard further progress reports and comments from the Committee Counsel, Captain Briner, Dr. Eisenbud, Dr. Little, and Mr. Holman. In addition, the Committee heard Mr. Harry LeGrand of the North Carolina Low-Level Radioactive Waste Management Authority's Technical Committee, on the Authority's site selection process; Dr. Kenneth Brownell of the Authority's Legal and Finance Committee, on funding options for the North Carolina low-level radioactive waste disposal facility project; Dr. Don Willhoit of the Authority's External Relations Committee, on the Authority's planning for public participation and public education; Mr. Andrew Sachs, Coordinator, Orange County Dispute Resolution Center, on the ongoing work of the Authority's public participation planning group; Ms. Mary Paris, the Authority's recently hired Executive Director; Dr. James F. Watson, Vice-Chairman, N. C. Radiation Protection Commission, on the comprehensive update of the Commission's regulations for low-level radioactive waste disposal, including ongoing work prompted by 1987 legislation on such topics as facility access licensing and volume reduction; and Dr. Little and Mr. Ralph McAlister,

## WASTE MANAGEMENT

Chairman, Governor's Waste Management Board and the Inter-Agency Committee on Low-Level Radioactive Waste, on the roles and work of the Board and the Inter-Agency Committee. Mr. McAlister noted that 1987 Session Laws ch. 850, § 23 directed the Inter-Agency Committee to report to the General Assembly by 1 April 1988 as to recommended changes in the laws pertaining to low-level radioactive waste. [This report was made and the Inter-Agency's recommendations were incorporated into legislation enacted during the 1988 Session.] During the course of this meeting members of the Committee, the Committee Counsel, and members of the Authority discussed the importance of following the timetable and other provisions of 1987 Session Laws ch. 850 (House Bill 35) and adhering to the requirements of 1987 Session Laws ch. 633 (Senate Bill 48) (shallow and burial prohibited/engineered barriers required), and exchanged information and views as to other related matters.

The Committee did not meet following the 1988 Session and made no recommendations to the 1989 General Assembly.

**SUBJECT: SOLID WASTE MANAGEMENT**

Authority: Chapter 873-Part II, § 2.1 (37) (SJR 362-Speed)

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### SOLID WASTE MANAGEMENT

The Committee on Solid Waste Management held ten meetings. The Committee received testimony from landfill operators, county managers, and county attorneys from across the State; the State agencies that have a substantial role in solid waste management; the N.C. Association of County Commissioners; the N.C. League of Municipalities; environmental organizations; representatives from the academic community; and representatives from business and industry, including those industries that are in the business of solid waste management.

The Committee discussed the current status of solid waste management in North Carolina; the future of solid waste management in light of the shortage of landfill space in the State, the new federal landfill regulations, and the lack of local funds; and steps that need to be taken to avert a solid waste crisis in the State.

The Committee made the following findings:

1. North Carolina faces a crisis in the near future in solid waste management. The interests of the State are served by the continued voluntary management of solid waste by units of local government. It is in the best interests of the State and its citizens to develop a State solid waste management policy that will provide guidance to units of local government and assist them in developing their own comprehensive solid waste management programs. It should be the policy of the State to promote methods of solid waste management that are alternatives to landfilling and to assist units of local government with solid waste management.
2. The Solid Waste Branch of the Department of Human Resources does not have sufficient staff to meet current demands regarding permitting and technical assistance.
3. Solid waste management projects at a local or regional level are needed to preserve the quality of North Carolina's groundwater and to keep North Carolina competitive with other states in the area of economic development. Many units of local government are trying to address their solid waste problems, but need financial assistance from the State to do so.
4. Recycling will play an increasingly important part in future solid waste management programs. The State should take a leadership role in the State's efforts to encourage recycling.
5. Widespread confusion exists as to where to go in State government to receive information and technical assistance regarding a solid

## WASTE MANAGEMENT

waste issue due to the number of different State agencies that are involved in some significant aspect of solid waste management.

6. The authority of a county and a city to enact certain ordinances that regulate solid waste should be clarified.
7. Presently a county is prohibited from charging a municipality located in the county a solid waste disposal fee when the county landfill is financed from county-wide taxes. A more equitable approach would be to allow the county landfill to charge municipalities a solid waste disposal fee whenever the landfill also charges non-municipal residents or private corporations or individuals which have contracted with the county to collect solid waste.
8. Consolidation of the environmental agencies would remedy many of the problems that counties encounter when seeking a permit for a solid waste facility or when trying to ascertain whether groundwater is contaminated.
9. Solid waste management is going to be a priority issue for the State throughout the 1990's. Much remains to be done to plan, develop, and implement a comprehensive solid waste management program in this State. Further study by the General Assembly is needed.

The Committee endorsed the consolidation of the environmental agencies and recommended the following legislation:

1. **A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES TO COMPLETE THE DEVELOPMENT OF A STATE COMPREHENSIVE SOLID WASTE MANAGEMENT PROGRAM BY JANUARY 1, 1991 AND TO ESTABLISH A STATE SOLID WASTE MANAGEMENT POLICY.** The bill will establish a State policy regarding solid waste management, whereby it is the policy of the State:
    - a. to promote the following methods of solid waste management in descending order of preference: waste volume reduction at the source, recycling and reuse, composting, incineration with energy production, incineration for volume reduction, and landfilling; and
    - b. to assist units of local government with solid waste management.
- To further this policy, the State shall:
- a. establish a minimum 25% recycling goal for the State.
  - b. require State agencies to participate in a recycling program.
  - c. require the State to give preference to the purchase of products with recycled content, and
  - d. require each county to develop a comprehensive solid waste management program for the county.

## WASTE MANAGEMENT

The State must complete the development of a State comprehensive solid waste management program, and this program is to provide a framework for the county program.

2. **A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE NEEDS OF THE SOLID WASTE BRANCH OF THE DEPARTMENT OF HUMAN RESOURCES.** This bill appropriates funds to the Solid Waste Branch for fifty additional staff during the 1989-91 biennium.
3. **A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA SOLID WASTE MANAGEMENT REVOLVING LOAN FUND.** This bill establishes the Solid Waste Management Revolving Loan Fund to provide low interest loans to units of local government for certain solid waste management projects, and appropriate \$10,000,000 each year of the biennium to this Fund.
4. **A BILL TO BE ENTITLED AN ACT TO DECLARE THAT IT IS A POLICY OF THIS STATE TO PROMOTE THE USE OF PRODUCTS WITH RECYCLED CONTENT IN STATE PURCHASING, AND TO GIVE PREFERENCE TO THE PURCHASE OF PRODUCTS WITH RECYCLED CONTENT AND TO CONTRACTORS WHO USE PRODUCTS WITH RECYCLED CONTENT.**
5. **A BILL TO BE ENTITLED AN ACT THAT DESIGNATES THE SOLID WASTE BRANCH IN THE DEPARTMENT OF HUMAN RESOURCES TO SERVE AS THE CENTRAL CLEARINGHOUSE FOR INFORMATION REGARDING SOLID WASTE MANAGEMENT.**
6. **A BILL TO BE ENTITLED AN ACT TO MAKE IT CLEAR THAT A COUNTY AND A CITY HAVE THE AUTHORITY TO ENACT CERTAIN ORDINANCES REGULATING LOCAL SOLID WASTE MANAGEMENT.**
7. **A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COUNTY LANDFILL THAT IS A PUBLIC ENTERPRISE HAS CONDITIONAL AUTHORITY TO CHARGE A MUNICIPALITY LOCATED IN THAT COUNTY A SOLID WASTE DISPOSAL FEE.**
8. **A JOINT RESOLUTION TO CONTINUE THE WORK OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON SOLID WASTE MANAGEMENT.**

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## WATER QUALITY

### X. WATER QUALITY

**SUBJECT:** COASTAL WATER QUALITY STUDY, CONTINUATION OF  
**Authority:** Chapter 873, Part II, § 2.1 (18) (HB 1252-Stamey)

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#### COASTAL WATER QUALITY

The Coastal Water Quality Legislative Study Committee met eleven times. Four of those meetings were public hearings held in Wilmington, Beaufort, Edenton, and Ahoskie.

The Committee considered a broad range of topics and made a conscientious effort to investigate issues presented by citizens who attended the public hearings and to respond to the concerns expressed at those meetings. Issues studied by the Committee

## WATER QUALITY

included the effect of the red tide and methods of providing relief to those affected by it, the need to stabilize Oregon Inlet, the outstanding resource waters classification and the nominating process to obtain that classification for waters, the current quality of the State's coastal waters, causes contributing to the degradation of those waters, and programs that now exist or that could be implemented to improve and protect coastal water quality.

The Committee made a number of recommendations and proposed legislative action to achieve ten of its recommendations. The Committee's recommendations follow:

1. The issue of discharging or dumping waste material in to the ocean should be studied further by the Coastal Water Quality Legislative Study Committee.
2. The Agricultural Cost Share Program should be expanded and the additional staff and funding required to achieve that expansion should be made available.
3. The Forest Development Program should be expanded and the additional staff and funding required to achieve that expansion should be made available.
4. CAMA permits should be issued as expeditiously as possible. Additional staff needed to evaluate applications carefully and to monitor coastal waters for compliance with permit conditions and State standards should also be provided.
5. The Committee supports consolidation of the environmental health and natural resources divisions under one department as recommended by the Environmental Review Commission of the General Assembly.

Legislative proposals recommended by the Committee follow:

1. **A JOINT RESOLUTION REQUESTING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE THE STUDY OF COASTAL WATER QUALITY.**
2. **A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ENVIRONMENTAL MANAGEMENT COMMISSION.**
3. **A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP QUALIFICATIONS OF THE COASTAL RESOURCES COMMISSION.**
4. **A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HUMAN RESOURCES, SOLID WASTE MANAGEMENT SECTION, TO DEVELOP A MOTOR OIL RECYCLING PROGRAM.**
5. **A BILL TO BE ENTITLED AN ACT TO DIRECT THE COASTAL RESOURCES COMMISSION TO EXTEND THE AREA OF ENVIRONMENTAL CONCERN AROUND**

## WATER QUALITY

OUTSTANDING RESOURCE WATERS AND PRIMARY NURSERY AREAS TO FIVE HUNDRED SEVENTY-FIVE FEET.

6. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AND DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PHASE IN STATEWIDE STORM WATER REGULATIONS.
7. A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC NOTICE WHEN A SIGNIFICANT MODIFICATION IS PROPOSED TO A MAJOR CAMA PERMIT APPLICATION OR TO A PREVIOUSLY ISSUED MAJOR CAMA PERMIT.
8. A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT CUMULATIVE IMPACT BE CONSIDERED PRIOR TO ISSUING CAMA OR WATER POLLUTION CONTROL PERMITS.
9. A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE PROGRESS OF THE ALBEMARLE-PAMLICO ESTUARINE STUDY.
10. A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT PUBLIC NOTICE BE GIVEN OF AN APPLICATION FOR A PERMIT OR FOR RENEWAL OF A PERMIT FOR CERTAIN TYPES OF NONSURFACE DISCHARGES AND TO PROVIDE FOR A PUBLIC HEARING CONCERNING THE ISSUANCE OR RENEWAL OF SUCH A PERMIT IF THE ENVIRONMENTAL MANAGEMENT COMMISSION DETERMINES THAT THERE IS A SIGNIFICANT INTEREST IN HOLDING SUCH A HEARING.

THE FULL REPORT OF THE COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 2226, STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

**SUBJECT:** CONTROL OF DEVELOPMENT AROUND SMALL PUBLIC WATER SUPPLY RESERVOIRS; STATE PERMITTING OF SEPTIC TANK SYSTEMS

**Authority:** Chapter 873, Part II, § 2.1 (14) (17) (HJR 1103-Hackney; HJR 1238-Redwine)

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### CONTROL OF DEVELOPMENT AROUND SMALL PUBLIC WATER SUPPLY/STATE PERMITTING OF SEPTIC TANK

The Small Water Supply/Septic Tank Legislative Study Committee held nine meetings. Three were public hearings held in Carteret County, Brunswick County, and Craven County. The Committee was charged with studying the septic tank regulations currently in effect in North Carolina and the current protection afforded small public reservoirs in this State. In conducting its study, the Committee considered issues that spanned a broad spectrum of topics including educational requirements and personnel issues concerning sanitarians, the appeals and review process available for denial of improvement permits, various rule revisions to the regulations for septic tanks, the use of alternative waste treatment systems in areas that are unsuitable for septic tank systems, and the need for further research and development of experimental and innovative systems.

The Committee incorporated most of its recommendations in the legislative proposals which are listed below.

1. **A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO HAS A DEGREE IN ENVIRONMENTAL HEALTH FROM AN ACCREDITED UNIVERSITY OR COLLEGE NEEDS ONLY ONE YEAR OF EXPERIENCE TO SATISFY THE EDUCATION AND EXPERIENCE REQUIREMENTS FOR A REGISTERED SANITARIAN.**

## WATER QUALITY

2. A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MANDATORY CONTINUING EDUCATION PROGRAM FOR SANITARIANS WHO ADMINISTER THE RULES REGARDING SANITARY SEWAGE SYSTEMS SHALL BE DEVELOPED BY THE DEPARTMENT OF HUMAN RESOURCES.
3. A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CERTIFICATION PROGRAM FOR SANITARY SEWAGE SYSTEM CONTRACTORS AND TO REQUIRE CERTIFICATION OF SANITARY SEWAGE CONTRACTORS WHO INSTALL, CONSTRUCT, REPAIR, OR MAINTAIN ALTERNATIVE OR NONCONVENTIONAL SANITARY SEWAGE SYSTEMS.
4. A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE MEMBER OF EACH LOCAL BOARD OF HEALTH SHALL BE A PROFESSIONAL ENGINEER OR CERTIFIED SANITARY SEWAGE SYSTEM CONTRACTOR.
5. A BILL TO BE ENTITLED AN ACT TO MAKE ADDITIONAL REVIEW AND APPEAL PROCEDURES AVAILABLE TO CONTEST THE DENIAL OF AN IMPROVEMENT PERMIT.
6. A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A WRITTEN SITE EVALUATION NOTIFICATION OF REVIEW AND APPEAL OPTIONS SHALL BE GIVEN UPON DENIAL OF AN IMPROVEMENT PERMIT.
7. A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERIOD OF TIME FOR WHICH AN IMPROVEMENT PERMIT IS VALID AND TO INDICATE THE TERM AND LIMITATIONS NOTICEABLY ON THE APPLICATION AND PERMIT.
8. A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE RULE CONCERNING SITES WITH EXISTING FILL.
9. A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AEROBIC SYSTEMS MAY BE PERMITTED IN NORTH CAROLINA.
10. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES FOR RESEARCH AND DEVELOPMENT OF ON-SITE SEWAGE SYSTEMS, TO ASSIST LOW INCOME PEOPLE TO REPAIR FAILING SEPTIC TANKS, AND TO PROVIDE CONTINUING EDUCATION FOR SANITARIANS.
11. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RESEARCH AND DEVELOPMENT OF WASTEWATER MANAGEMENT SYSTEMS.
12. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESEARCH AND DEVELOPMENT OF

## **WATER QUALITY**

### **QUANTITATIVE METHODS TO EVALUATE HIGH WATER TABLE SOILS FOR ON-SITE WASTE TREATMENT.**

13. **A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE FEE SCHEDULE FOR IMPROVEMENT PERMITS.**
14. **A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERMITTING OF INNOVATIVE, EXPERIMENTAL, OR PROPRIETARY SYSTEMS.**

Additional recommendations made by the Committee are that: (i) the sanitarian salary grade be increased from 66 to 68; (ii) the Commission for Health Services change the rule concerning whether a flood plain site is suitable for a septic tank system; (iii) the Commission for Health Services adopt rules to encourage the use of water conservation techniques and fixtures; (iv) consideration be given to requiring, where practicable, that all treatment plants designed to handle 100,000 gallons per day that receive State or federal funds reserve a set percentage for septage disposal and treatment, and (v) some type of mandatory notification of the type of sewage system located on a site be accorded a potential buyer.

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**SUBJECT: WATERSHED PROTECTION**

Authority: Chapter 873, Part II, § 2.1 (47D) (HB 1203-Fussell)

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## WATERSHED PROTECTION

The Watershed Protection Legislative Study Committee met four times. During that time the Committee studied existing rules and laws on State, regional, and local levels to protect watersheds. The Committee found that statewide minimum standards are needed to protect watersheds and considered various proposals and suggestions submitted by agencies and other interested parties for standards and protective measures. During its discussion of the various proposals, members agreed that the State standards adopted should be to protect watersheds that are deemed water supplies and that stricter standards may be needed for watersheds designated as critical water supplies. The Committee considered the appropriate relationship between State and local jurisdictions in protecting watersheds and concluded that the administration and enforcement of a State watershed protection program adopted by the Environmental Management Commission could be delegated to local jurisdictions. The Committee included a policy statement in its recommended legislation that the program would be a cooperative effort between State and local governments and also stated that local jurisdictions should retain the option of adopting watershed protection standards more stringent than those of the State if so desired.

The Committee incorporated its recommendations into two bills. **A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AND DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DEVELOP AND ADOPT RULES ESTABLISHING MINIMUM STATE STANDARDS, LIMITATIONS, AND MANAGEMENT PRACTICES FOR THE PROTECTION OF WATER SUPPLY WATERSHEDS** mandates the development and adoption of minimum protective measures at the State level for the protection of watersheds that are deemed water supplies by the Environmental Management Commission.

The second bill incorporates the Committee's recommendation that a State water supply plan be developed. The proposed legislation, **A BILL TO BE ENTITLED AN ACT TO DEVELOP A STATE WATER PLAN** directs both the Department of Natural Resources and Community Development and the Department of Human Resources to develop a State water plan, provides that local jurisdictions may be required to develop local water plans for review by the State, and lists information to be included in local plans.

## WATER QUALITY

THE FULL REPORT OF THE COMMITTEE CAN BE OBTAINED BY  
CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 2226, STATE  
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**SUBJECT: FURNISHING, DECORATING AND MAINTENANCE OF  
LEGISLATIVE COMPLEX**

**Authority: G.S. 120-30.17(1)**

**MEMBERS**

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# INDEX

## 1987-88 TABLE OF AUTHORIZED LEGISLATIVE RESEARCH COMMISSION STUDIES

The following is a list of the topics which the General Assembly (1987 and 1988 Sessions) authorized the Legislative Research Commission to study. Except where otherwise indicated, the original bill or resolution which outlines the scope of the particular study is incorporated by reference in Chapter 873 of the 1987 Session Laws. Footnotes indicate which unfunded studies were referred to another agency or Commission to be conducted and which group was to conduct each. Unless otherwise indicated, each Committee may report to the 1988 or 1989 Session of the General Assembly, or may make an interim report to the 1988 General Assembly and a final report to the 1989 General Assembly.

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
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1Study not undertaken by LRC

2Study not undertaken by LRC

3Referred to Children and Youth Commission.

4Consolidated with Revenue Laws Study

5Referred to Children and Youth Commission.

6Study referred to Governmental Operations.

- 7Study not undertaken by LRC.
- 8Consolidated with Farm Issues study.
- 9Referred to Governmental Operations.
- 10Study not undertaken by LRC
- 11Referred to Regional Teachers of the Year Commission.
- 12Consolidated with Housing Discrimination Study.
- 13Consolidated with Committee on Ferries and Oregon Inlet Navigation, Dredging and Stabilization.
- 14Study not undertaken by LRC.
- 15Study not undertaken by LRC.
- 16Study not undertaken by LRC.
- 17Consolidated with State Ports Authority.
- 18Consolidated with Committee on Farmland Preservation Techniques and Policy and Farm Issues.
- 19Referred to Tax Fairness Study Commission.
- 20Consolidated with Committee on Care Provided by Rest Homes, Intermediate Care Facilities, and Skilled Nursing Homes; and Ombudsman.
- 21Consolidated with Committee on Ferries and Oregon Inlet Navigation, Dredging and Stabilization.
- 22Referred to Governmental Operations.
- 23Referred to Study Commission on Aging.
- 24Study not undertaken by LRC.
- 25Referred to Governmental Operations.
- 26Consolidated with Committee on Control of Development around Small Public Water Supply Reservoirs and State Permitting of Septic Tank Systems.
- 27Consolidated with Committee on Disadvantaged Business Contracts Financed by State Funds and State Contracts with Small Businesses.
- 28Referred to Property Study Commission Committee.
- 29Consolidated with Committee on Continuation of State Personnel System; Wellness Program for State Employees; and Veterans Preference in State Employment.
- 30Referred to Property Study Commission Committee.
- 31Referred to State Property Tax Study.
- 32Consolidated with Revenue Laws Study Continuation and Corporate Income Taxation.
- 33Referred to Governmental Operations.
- 34Consolidated with Committee on Continuation of Study of State Personnel System; Wellness Program for State Employees; and Veterans Preference in State Employment.





