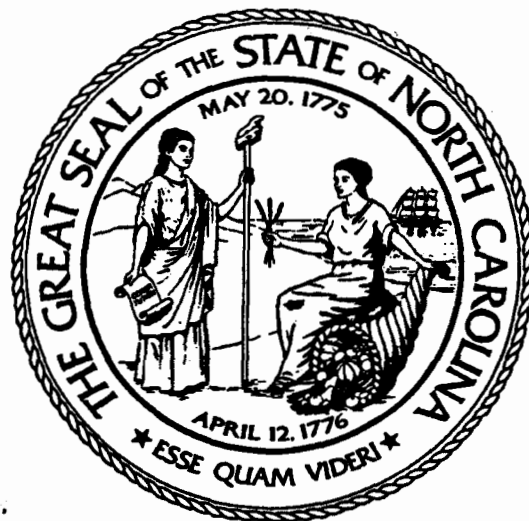


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# LEGISLATIVE RESEARCH COMMISSION ACTIVITIES

1991-1992 FISCAL YEAR



## INTERIM REPORT

MAY 7, 1992

SUMMARIES PREPARED BY  
LEGISLATIVE SERVICES OFFICE  
1991 GENERAL ASSEMBLY OF  
NORTH CAROLINA

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May 7, 1992

TO THE MEMBERS OF THE 1991 GENERAL ASSEMBLY (1992 REGULAR SESSION):

The Legislative Research Commission directed its staff to prepare an interim report outlining the work thus far of its committees during the 1991-92 fiscal year. This report contains a brief summary of each committee's progress and describes the number of committee meetings, subjects studied, findings and recommendations. We contemplate publishing an updated report in January just prior to the 1993 General Assembly.

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 any 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 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 Commission, in view of its limited monies, decided not to fund all authorized studies and referred some studies authorized to be conducted by the Commission and each's disposition begins on page 19.

The Commission 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 Commission has produced its studies working through committees responsible to Commission members and made up of other members of the General Assembly assisted by advisory members from outside the 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.





**1991-92**

**LEGISLATIVE RESEARCH COMMISSION**

**MEMBERSHIP**

**Sen. Henson P. Barnes, Cochair  
President Pro Tempore of  
the Senate**

**Sen. Frank W. Ballance, Jr.**

**Sen. Howard F. Bryan**

**Sen. J. K. Sherron, Jr.**

**Sen. Lura S. Tally**

**Sen. Russell G. Walker**

**Rep. Daniel T. Blue, Jr., Cochair  
Speaker of the House of  
Representatives**

**Rep. Marie W. Colton**

**Rep. W. Pete Cunningham**

**Rep. E. David Redwine**

**Rep. Frank E. Rhodes**

**Rep. Peggy M. Stamey**



**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.)



1991 - 1992

TABLE OF AUTHORIZED LEGISLATIVE RESEARCH COMMISSION STUDIES

The following is a list of the topics which the General Assembly (1991 Session) 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 754 (Senate Bill 917) of the 1991 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 1992 Session of the 1991 General Assembly or the 1993 General Assembly, or may make an interim report to the 1992 Session of the 1991 General Assembly and a final report to the 1993 General Assembly.

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Aerial Application of Pesticides, Regulation of <sup>7</sup>	Rep. James	HJR 1289	N/A	N/A
Amortization of Non-conforming Uses of Property	Sen. S Hunt	HB 1009	Hovis	50
Annexation Laws <sup>7</sup>	Rep. Decker	HJR 1295	N/A	N/A
Arson Statutes, Revision of <sup>7</sup>	Sen. Sands	SJR 736	N/A	N/A
Audit, State Government Performance (See <i>State Government Performance Audit</i> )				
Beach and FAIR Plans	Sen. Basnight Sen. Block	N/A	Jones	61
Boating and Water Safety <sup>7</sup>	Rep. Brawley	HB 834	N/A	N/A
Child Day Care Issues	Rep. Easterling	HB 1062	Sabre	30
Civil Rights of Law Enforcement Officers (See <i>Law Enforcement Issues</i> )				
Conservation of Energy	Rep. Luebke Sen. Plexico	HJR 1021 SJR 789	Iddings	65

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Consumer Protection Issues <sup>7</sup>	Rep. Hasty	HB 284	N/A	N/A
Crop Depredation Caused by Wildlife such as Deer and Bear <sup>7</sup>	Rep. James	HJR 732	N/A	N/A
Discrimination in Employment, Alternative Approaches to Deal with	Rep. Kennedy	HB 555	Timmons	35
DOT Condemnation Practices and Procedures <sup>4</sup>	Rep. Gamble	HB 261	N/A	N/A
Economic Development and Revitalization of Downtowns	Rep. Hasty	HJR 1083	N/A	N/A
Emergency Cardiac Care, Prehospital <sup>7</sup>	Rep. Green	HJR 1051	N/A	N/A
Emergency Management Issues:			Riley	55
Management of hazardous materials emergencies and establishment of regional response teams	Rep. Flaherty Sen. Martin	HB 1210 SB 922		
State Emergency Management Program, including natural hazards, recovery operations for Presidential or Gubernatorial declared disasters	Sen. Basnight	SJR 946		
Emergency Medical Services Act of 1973 <sup>7</sup>	Sen. Speed	SJR 902	N/A	N/A
Employment Agencies (temporary and other) <sup>7</sup>	Rep. Wainwright	HJR 917	N/A	N/A
Ethics and Lobbying Issues	Sen. Daniel Sen. Odom	SB 259	Johnson,R	69



<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
<b>Financial Institutions:</b>			Johnson,R	19
Regulations and taxes applicable to commercial banks, savings institutions, and credit unions	Rep. Gamble	HJR 696		
Impact of national developments within the NC depository institutions industry	Rep. Brubaker	HB 177		
Methods to increase the developmental lending capacity of financial institutions to strengthen low and moderate income communities	Rep. McAllister	HB 1084		
<b>Financial Soundness of Financial Institutions<sup>7</sup></b>	Rep. Gamble	HB 580	N/A	N/A
<b>Fire and Occupational Safety at Industrial and Commercial Facilities</b>	N/A	N/A	Jones	42
<b>Firefighter Benefits including retirement, death, and disability<sup>7</sup></b>	Rep. Fitch	HJR 1211	N/A	N/A
<b>Glass and Plastic Beverage Container Deposits and Refunds</b> <i>(See Solid Waste Control and Disposal Issues)</i>				
<b>Governor's Powers<sup>7</sup></b>	Rep. James	HJR 731	N/A	N/A
<b>Hazardous Waste Treatment and Disposal<sup>3</sup></b>	Rep. Hightower	HJR 1095	N/A	N/A

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Health Systems Issues:			Young	31
Radiologic Technologists Licensure as requested in the Final Assessment Report on SB 738 by Legislative Committee on New Licensing Boards	N/A	N/A		
Effectiveness and efficiency of the public health systems' delivery of health services to the citizens of the State	Rep. Payne Sen. Walker Sen. Walker	HB 476 SB 367 SB 407		
Homeless Persons <sup>7</sup>	Rep. Lutz	HJR 164	N/A	N/A
Horse Racing in North Carolina	Rep. James Sen. W Martin	HB 341 SB 917	Levenbook	62
Indian Cultural Center, North Carolina	Sen. W Martin Sen. Parnell	SB 831 SB 920	Dail	58
Inequities in the Salaries of Equally Qualified Minorities, Females, and Nonminority Males within Occupational Categories in State Employment <sup>5</sup>	Rep. Fitch Sen. W Martin	HB 957 SJR 839	N/A N/A	N/A N/A
Law Enforcement Issues:			Dorsett	45
Law enforcement, firearms and mutual agreements	Sen. Perdue	SJR 955		
Civil rights of law enforcement officers	Rep. Miller	HJR 1130		
Length of the School Year and Compulsory School Attendance Ages Issues <sup>2</sup>	Rep. Rogers	HB 1186	N/A	N/A

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Licensing Boards <sup>7</sup>	Rep. Holmes	HB 154	N/A	N/A
Medical Malpractice Claims Arbitration <sup>7</sup>	Rep. Robinson Sen. Sands	HB 120 SB 65	N/A	N/A
Minority Tourism Proposal	Rep. Hardaway	HJR 1292	N/A	N/A
Motor Vehicle Towing and Storage	Sen. Sands	SB 687	Perry	47
North Carolina Air Cargo Airport Complex, Dev. of	Sen. Barnes Rep. Stamey	SB 649 HB 866	Dorsett	21
Nursing Shortage, Education, and Training <sup>2</sup>	Rep. Neshitt Sen. Daniel	HB 312 SB 276	N/A	N/A
Pay Plan for State Employees <sup>5</sup>	N/A	N/A	N/A	N/A
Physical Fitness Among North Carolina Youth	Sen. Tally	SB 15	Young	33
Prison Inmates, Use of	Rep. Albertson	HJR 867	Carter	36
Promoting the Development of Environmental Science and Bridging Environmental Science and Technology with Public Policy Decision Making	Rep. Woodard	HB 1070	Riley	25
Public School Administrators <sup>2</sup>	Sen. Perdue	SB 441	N/A	N/A
Public Transportation ( <i>See Railroads and Other Public Transportation</i> )				
Radiologic Technologists Licensure ( <i>See Health Systems Issues</i> )				

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Railroads and Other Public Transportation:			Perry	67
Public transportation	Rep. Hurley	HJR 700		
Railroads (continued) including present condition of rail transportation system, the future of railroads, rail revitalization, and rail corridor preservation	Rep. Abernethy Sen. Block	HJR 1226 SJR 906		
Register of Deeds Offices, Uniform Administration of All	Rep. Buchanan	HB 1232	Pickett	59
Revenue Laws	Rep. Lilley	HJR 7	Harris	51
Rights of Victims of Crime	Rep. Grady	HB 1033	Carter	48
Sales Tax Impact on Merchants <sup>7</sup>	N/A	N/A	N/A	N/a
Solid Waste Control and Disposal Issues:			Iddings	23
Advance disposal fees used to promote nonhazardous solid waste reduction and recycling	Sen. Odom	SB 229		
Glass and plastic beverage container deposits and refunds	Rep. Gottovi	HB 1007		
Nonhazardous Solid Waste <sup>9</sup>	N/A	N/A		
Solid waste and medical waste management	Sen. Tally	SJR 143		
State Correctional Education <sup>7</sup>	Sen. Carter	SB 945	N/A	N/A
State Government Performance Audit <sup>10</sup>		GS120-30.17(1)	Clark	73

<b><u>Study</u></b>	<b><u>Sponsor</u></b>	<b><u>Authorization</u></b>	<b><u>Staff</u></b>	<b><u>Page</u></b>
State Parks and Recreation Areas	Rep. Crawford	HB 141	Dorsett	56
State Personnel Liability for Official Acts <sup>7</sup>	Rep. Flaherty	HB 509	N/A	N/A
Statewide Comprehensive Planning	Rep. Hardaway	HJR 1157	Johnson,C	63
Teacher Leave <sup>7</sup>	Rep. Bowman	HB 334	N/A	N/A
Toll Roads Feasibility <sup>7</sup>	Rep. Bowman	HB 1098	N/A	N/A
Tourism's Growth and Effect <sup>7</sup>	Sen. Warren	SB 819	N/A	N/A
Transfer of the Forest Resources Division of EHNR to Dpt. of Agriculture <sup>3</sup>	Rep. Albertson	HJR 857	N/A	N/A
Transfer of the Health Divisions of DHR to EHNR <sup>3</sup>	Rep. Jeralds	HJR 1280	N/A	N/A
Transfer of the Soil and Water Conservation Division of EHNR to Dpt. of Agriculture <sup>3</sup>	Rep. James	HJR 856	N/A	N/A
Turfgrass and Forage Assessment <sup>1</sup>	Rep. James Sen. Murphy	HB 633 SB 702	N/A	N/A
UNC Tuition Fees and Enrollment <sup>7&amp;8</sup>	N/A	HB 83	N/A	N/A
Voter Participation, Methods to Improve	N/A	N/A	Gilkeson	70

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Water Issues:			Evans-Stanton	27
Development of a state strategy for the protection of all groundwater resources	Sen. Tally	SJR 13		
Surface water issues, including consumptive uses of water and the effect of such uses on the State's water resources, other present and projected uses of water, impoundments, and water resources management	Sen. Block Rep. Payne	SJR 85 HJR 127		
Worker Training Trust Fund	Rep. James Sen. Raynor	HB 170 SB 203	Gilkeson	40
Workers' Compensation for Farm Workers	Rep. Hackney	HB 952	Johnson,R	38

- 
- 1 Referred to the Agriculture Forestry and Seafood Awareness Study Commission.
  - 2 Referred to the Joint Legislative Education Oversight Committee.
  - 3 Referred to the Environmental Review Commission.
  - 4 Referred to the Joint Legislative Highway Oversight Committee.
  - 5 Referred to the State Personnel Study Commission.
  - 6 Referred to the LRC Committee on Health Systems Issues.
  - 7 Study not funded by LRC.
  - 8 Incorporated in Chapter 689, §184.2.
  - 9 Referred to LRC Solid Waste Control and Disposal Issues Committee by the Environmental Review Commission.
  - 10 Created pursuant to G.S. 120-30.17(1) by the LRC Cochairmen to help and advise the Legislative Services Commission in conducting the performance audit of State Government mandated by Section 83 of Chapter 689 of the 1991 Session Laws.

1991 - 1992

GROUPING OF STUDIES AUTHORIZED BY THE  
LEGISLATIVE RESEARCH COMMISSION

<u>Study Subjects</u>	<u>Commission Member Responsible</u>	<u>Page</u>
I. ECONOMIC DEVELOPMENT	Sen. Bryan	
A. Committee on Financial Institutions		19
1. Financial Institutions, including regulations and taxes applicable to commercial banks, savings institutions, and credit unions (H.J.R. 696-Gamble: § 2.1 (16))		
2. Impact of National Developments within the North Carolina Depository Institutions Industry (H.B. 177-Brubaker: § 2.1 (7))		
3. Methods to Increase the Developmental Lending Capacity of Financial Institutions to Strengthen Low and Moderate Income Communities (H.B. 1084-McAllister: § 2.1 (34))		
B. Committee on Development of North Carolina Air Cargo Airport Complex (Chapter 749 and Chapter 754, S.B. 649: § 2.1 (61))		21
II. ENVIRONMENT	Sen. Tally	
A. Committee on Solid Waste Control and Disposal Issues		23
1. Advance Disposal Fees Used to Promote Nonhazardous Solid Waste Reduction and Recycling (S.B. 229-Odom: § 2.1 (52))		
2. Glass and Plastic Beverage Container Deposits and Refunds (H.B. 1007-Gottovi: § 2.1 (27))		
3. Solid Waste and Medical Waste Management--study continued, including the use of incineration, particularly the use of mobile incinerators, as a method of treatment (S.J.R. 143-Tally: § 2.1 (51))		

<u>Study Subjects</u>	<u>Commission Member Responsible</u>	<u>Page</u>
B. Committee on Promoting the Development of Environmental Science and Bridging Environmental Science and Technology with Public Policy Decision Making (H.B. 1070-Woodard: § 2.1 (32))		25
C. Committee on Water Issues		27
1. Development of a State Strategy for the Protection of All Groundwater Resources--study continued (S.J.R. 13-Tally: § 2.1 (49))		
2. Surface Water Issues, including consumptive uses of water and the effect of such uses on the State's water resources, other present and projected uses of water, impoundments, and water resources management--study continued (H.J.R. 127-Payne; S.J.R. 85-Block: § 2.1 (3))		
<b>III. HEALTH AND HUMAN RESOURCES</b>	<b>Sen. Walker</b>	
A. Committee on Child Day Care Issues (H.B. 1062-Easterling: § 2.2)		30
B. Committee on Health Systems Issues		31
1. Effectiveness and Efficiency of the Public Health System's Delivery of Health Services to the Citizens of the State--study continued (H.B. 476-Payne; S.B. 367-Walker, S.B. 407-Walker: § 2.1 (11))		
2. Licensure of Radiologic Technologists as requested in the Final Assessment Report on Senate Bill 738 by the Legislative Committee on New Licensing Boards (§ 2.1 (63))		
C. Committee on Physical Fitness Among North Carolina Youth (S.B. 15-Tally: § 2.1 (50))		33
<b>IV. LABOR</b>	<b>Rep. Cunningham</b>	
A. Committee on Alternative Approaches to Deal with Discrimination in Employment (H.B. 555-Kennedy: § 2.1 (13))		35



<u>Study Subjects</u>	<u>Commission Member Responsible</u>	<u>Page</u>
B. Committee on Use of Prison Inmates (H.J.R. 867-Albertson: § 2.1 (23))		36
C. Committee on Workers' Compensation for Farm Workers (H.B. 952-Hackney: § 2.1 (25))		38
D. Committee on Worker Training Trust Fund--study continued (H.B. 170-James; S.B. 203-Raynor: § 2.1 (6))		40
E. Committee on Fire and Occupational Safety at Industrial and Commercial Facilities		42
<b>V. LAW ENFORCEMENT</b>	<b>Rep. Redwine</b>	
A. Committee on Law Enforcement Issues		45
1. Law Enforcement, Firearms, and Mutual Agreements (S.J.R. 955-Perdue: § 2.1 (60))		
2. Civil Rights of Law Enforcement Officers (H.J.R. 1130-Miller: § 2.1 (37))		
B. Committee on Motor Vehicle Towing and Storage (S.B. 687-Sands: § 2.1 (54))		47
C. Committee on Rights of Victims of Crime (H.B. 1033-Grady: § 2.1 (30))		48
<b>VI. REVENUE AND FINANCING</b>	<b>Rep. Colton</b>	
A. Committee on Amortization of Nonconforming Uses of Property (H.B. 1009 - S. Hunt: § 2.1 (28))		50
B. Committee on Revenue Laws and the Administration of these Laws, including reviewing the State's revenue laws to determine which laws need clarification, technical amendment, repeal, or other change to make the laws concise, intelligible, easy to administer, and equitable--study continued (H.J.R. 7-Lilley: § 2.1 (1))		51

<u>Study Subjects</u>	<u>Commission Member Responsible</u>	<u>Page</u>
<b>VII. STATE AND LOCAL GOVERNMENTS AND THEIR STRUCTURES</b>	<b>Sen. Sherron</b>	
A. Committee on Emergency Management Issues		55
1. State Emergency Management Program, including natural hazards, recovery operations for Presidential or Gubernatorial declared disasters, and catastrophic hazards (S.J.R. 946-Basnight: § 2.1 (59))		
2. Management of Hazardous Materials Emergencies and Establishment of Regional Response Teams (H.B. 1210-Flaherty; S.B. 922-Martin of Pitt: § 2.1 (40))		
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## I. ECONOMIC DEVELOPMENT

### FINANCIAL INSTITUTIONS

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(7)  
(HB 177-Brubaker)

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### **FINANCIAL INSTITUTIONS**

The Committee on Financial Institutions met two times before making its interim report.

The Committee heard from the following individuals and representatives of the following groups: the Commissioner of Banks, the Administrator of the Savings Institutions Division, the Administrator of the Credit Union Division, the North Carolina Bankers Association, North Carolina Trust Company, the North Carolina Alliance of Community Financial Institutions, NationsBank, BB&T, Central Carolina Bank, First Union Bank, the North Carolina Legal Services, and the law firms of Jordan Price Wall Gray & Jones and Dickstein Shapiro & Morin.

In its interim report, the Committee on Financial Institutions would recommend the following six bills to the 1992 Session of the 1991 General Assembly:

1. A BILL TO BE ENTITLED AN ACT TO ALLOW BANKS AND SAVINGS ASSOCIATIONS TO MERGE OR CONSOLIDATE AND TO TRANSFER ASSETS TO ONE ANOTHER. This bill would allow banks and thrift institutions to merge or consolidate and to transfer assets to one another.
2. A BILL TO BE ENTITLED AN ACT TO MAKE AMENDMENTS TO THE REFUND ANTICIPATION LOAN ACT. This bill would exempt facilitators under the Refund Anticipation Loan Act (RAL) from the Article governing Loan Brokers, make several technical or conforming changes to the RAL, allow applicants to ask for an informal hearing, and make clarifications with respect to the application fees.
3. A BILL TO BE ENTITLED AN ACT TO PERMIT A TRUST COMPANY TO BE ACQUIRED BY A BANK HOLDING COMPANY. This bill would allow a bank holding company or any other company to acquire a trust company that does not accept demand deposits.
4. A BILL TO BE ENTITLED AN ACT TO PERMIT INVESTMENT OF TRUST ASSETS IN MUTUAL FUNDS ADVISED BY A CORPORATE TRUSTEE. This bill would allow corporate trustees to invest trust assets in mutual funds managed or advised by the trustee, notwithstanding that the trustee receives remuneration for those services.
5. A BILL TO BE ENTITLED AN ACT TO MAKE OMNIBUS AND TECHNICAL CHANGES TO THE SAVINGS INSTITUTIONS LAWS. This bill would make technical amendments to the laws governing savings institutions, extend the notice period on a request to close a branch office, allow up to 10% of the stock in a mutual to stock conversion to be sold to an Employee Stock Option Plan, change the voting procedure in a savings bank conversion, and allow a savings bank to force the retirement of any or all of its deposit accounts.
6. A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FAITHFUL PERFORMANCE COVERAGE REQUIREMENTS FOR CREDIT UNIONS. This bill would eliminate the requirement that credit unions obtain faithful performance bonds.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

## **DEVELOPMENT OF NORTH CAROLINA AIR CARGO AIRPORT COMPLEX**

**Authority:** 1991 Session Laws, Chapter 749, SB 649, Sec. 2.2  
1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(62)  
(SB 649-Barnes; HB 866-Stamey)

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**DEVELOPMENT OF NORTH CAROLINA AIR CARGO AIRPORT COMPLEX**

The Committee on the Development of North Carolina Air Cargo Airport Complex met once in December of 1991 and attended two of the meetings of the Board of Directors of the Air Cargo Airport Authority in 1992.

At the December meeting speakers involved in the development of an air cargo airport in North Carolina addressed the Committee. The organization of the Air Cargo Authority, the status of the feasibility study, and a review of the marketing efforts regarding the air cargo complex were discussed. The Committee decided to join the Board of Directors of the Authority at its January and February meetings to hear from the consultants on the feasibility study. At those meetings the consultants reported that an air cargo airport is technically feasible in North Carolina. The consultants also prioritized the options with a joint-use facility (military/commercial) receiving the highest ranking. Expansion at an existing airport was the second priority, and a "greenfield" facility was the third option. The consultants recommended moving forward with the planning and siting process.

The Committee on the North Carolina Air Cargo Airport did not file an interim report to the 1992 Session of the General Assembly. The Committee expects to continue the study following the 1992 Session with further meetings in the fall.



## **II. ENVIRONMENT**

### **SOLID WASTE CONTROL AND DISPOSAL ISSUES**

**Authority:** 1989 Session Laws, Chapter 802, Sec. 2.1(2), SB 231  
(SJR 112-Speed; SB 1214-Basnight; HB 1045-Diggs)  
1991 Session Laws, Chapter 754, SB 917, SEc. (2.1)(51)  
(SJR 143-Tally)

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### SOLID WASTE CONTROL AND DISPOSAL ISSUES

The Legislative Research Commission's Committee on Solid Waste Control and Disposal Issues has met three times and will meet a fourth time before the short session. At the first meeting, the Committee received an update on solid waste management in North Carolina, including the implementation of SB 111, waste reduction efforts, and recently enacted solid waste laws, as conveyed by the Departments of Environment, Health, and Natural Resources and Transportation; the Association of County Commissioners; the League of Municipalities; several business groups; and Bill Holman, an environmental lobbyist.

The Committee held its second meeting in Asheville to hear from city and county managers and solid waste managers in the western part of the State. Persons representing the following units of local government gave presentations: Catawba, Buncombe, Haywood, Macon, Jackson, and Swain Counties; the cities of Asheville, Lenoir, and Valdese; and the Land-of-Sky Council of Government. Ms. Treadway of Greensboro told the Committee about a pilot waste reduction program that is in progress. Following the meeting, the Committee toured a plastics recycling facility.

The Committee held its third meeting in Charlotte, where it received input from city and county managers representing Caswell, Richmond, Mecklenburg, Davie, and Rockingham Counties and the cities of Charlotte and Concord. A Charlotte business that remanufactures laser printer toner cartridges from used cartridges spoke before the Committee. Following the meeting, the Committee members toured Mecklenburg County's compost facility and materials recovery facility and observed Charlotte's curbside collection of recyclables. The Committee also attended the keynote address and afternoon session of the North Carolina Recycling Association's Annual Conference.

At the Committee's next meeting on May 6, the Committee will address composting and a voluntary program to recycle pesticide containers, and will begin to address the issues of flow control and funding high-tech solid waste facilities from the perspective of units of local government and private waste management companies.

The Committee plans to meet at least three times after the short session for the purpose of further exploring the issues raised at the previous meetings as well as the issues of markets for recyclables, waste reduction, and procurement policies and discussing the proposals that have been presented to the Committee. The Committee will report to the 1993 General Assembly.

**PROMOTING THE DEVELOPMENT OF ENVIRONMENTAL SCIENCE AND  
BRIDGING ENVIRONMENTAL SCIENCE AND TECHNOLOGY WITH PUBLIC  
POLICY DECISION MAKING**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(32)  
(HB 1070-Woodard)

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**PROMOTING THE DEVELOPMENT OF ENVIRONMENTAL SCIENCE  
AND BRIDGING ENVIRONMENTAL SCIENCE AND TECHNOLOGY  
WITH PUBLIC POLICY DECISION MAKING**

The Legislative Research Commission's Study Committee on Bridging Environmental Science and Technology with Public Policy Decision Making met four times during the 1991-92 interim. From the outset, the committee had as the focus of its discussions whether the General Assembly should encourage and fund the development of a North Carolina Environmental Research and Policy Center.

The Committee reviewed a recently completed study, authorized by the North Carolina Board of Science and Technology, that shows that North Carolina has the largest contingent of environmental research and policy scientists in the United States. That same study shows that there are strong concerns throughout the private sector, academia, and government about the lack of environmental enforcement and compliance; lack of a statewide research agenda, environmental management plan, or comprehensive database; lack of coordination/integration of research and policy; and lack of knowledge among the general public of environmental issues. In addition, there is increasing awareness of the need for a multidisciplinary and inter-institutional approach to researching and solving environmental problems.

The proposed center would bring together in partnership the diverse groups in the environmental field to address these concerns. These groups include public and private universities, State government, federal government, private enterprise, and environmental groups. Such a center would provide coordination and brokering of research grants thereby providing a nexus for the multidisciplinary, inter-institutional approach to environmental research being sought by grant authorities. This would result in an increase in the flow of federal and other research dollars into the State. Other objectives of the Center include: (1) comprehensive data base management; (2) coordination and integration of environmental research and environmental policy-making; (3) organization and information dissemination; (4) enhancement of private sector economic development; and (5) enhancement of environmental education.

As proposed, it is intended that the Center accomplish the following goals:

1. Enhance the research and policy-making capabilities of State government, universities, private enterprise, and other research and policy-making communities;
2. Encourage technology transfer and collaboration among the State, federal, private, and university sectors;
3. Assist and enhance private sector economic development;
4. Assist in the arbitration of local and State development and pollution mitigation controversies;
5. Act as a central clearinghouse for environmental education programs at all educational levels throughout the State;
6. Provide seed money grants to stimulate academic research;
7. Assist local governments with local environmental issues such as the the development of land management plans;
8. Help define critical environmental issues and frame the research agenda necessary to provide the information needed to develop sound environmental policy; and
9. Strengthen North Carolina's national and international leadership role in environmental research and policy-making.

In its deliberations, the Committee heard numerous presentations on the concept of a center. Spokespersons from the private sector, universities, State and federal government and environmental groups had an opportunity to express their support and their concerns. Representatives from the UNC system spoke in favor of the concept and the positive impact such a center could have on the obtaining federal research dollars throughout the University system. Other speakers included presenters from the U.S. Environmental Protection Agency, the George Goulston Company, the Chemical Industry Council of North Carolina, Sigma Xi, the North Carolina Biotechnology Center, the North Carolina Microelectronics Center, the Environmental Defense Fund, and the Conservation Council of North Carolina. The Committee also heard testimony from representatives of the Committee for the National Institutes of the Environment, a parallel initiative at the federal level to create a central clearinghouse for environmental research and information.

In its report, the Committee would recommend the following bill to the Regular 1992 Session of the 1991 General Assembly:

**A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA ENVIRONMENTAL RESEARCH AND POLICY CENTER.**

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

## **WATER ISSUES**

**Authority:** 1989 Session Laws, Chapter 802, Sec. 2.1(15), SB 231  
(SJR 367-Winner; HJR 554-DeVane)  
1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(49)  
(SJR 13-Tally)

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### WATER ISSUES

The Legislative Research Commission's Committee on Water Issues met five times during the 1991-92 fiscal year. The topics considered at those meetings included: progress toward implementation of the Watershed Protection Act, interbasin transfers of water, package treatment plants, regulation of hog farms, community water supply systems, proposed revisions by the Environmental Management Commission to the groundwater rules, report of the status of the interagency pesticide groundwater study, funding for water and wastewater projects including the State Clean Water Revolving Loan and Grant Fund, and licensing of well drillers.

The Committee heard from the Department of Environment, Health, and Natural Resources, Commissioners from the Environmental Management Commission, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, environmentalists, local constituents, the agricultural community, and business interests in discussing these issues.

The Committee on Water Issues would recommend the following three bills to the Regular 1992 Session of the 1991 General Assembly:

1. A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE COMMUNITY WATER SYSTEM PERMIT FEE. (This bill changes the effective date of the permit to a calendar year and allows the Department to charge one-half of the fee for the 1992 year).
2. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ONE HUNDRED MILLION DOLLARS IN GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR THE PURPOSE OF MAKING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, OR WASTEWATER TREATMENT WORKS. WATER REVOLVING LOAN AND GRANT FUND. (This bill authorizes a bond issue in the amount of one hundred million dollars

(\$100,000,000), subject to a vote of the people, to be used for loans to local governments for water and wastewater projects).

3. **A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT WELL CONTRACTORS AND PUMP CONTRACTORS BE LICENSED AND TO ESTABLISH A WELL AND PUMP CONTRACTORS EXAMINERS BOARD.**

In addition, the Committee on Water Issues would recommend that it continue to study the following issues:

1. The Committee found that having vested authority in the Environmental Management Commission to adopt rules concerning watershed protection, it would be premature for the General Assembly to enact specific legislative proposals until the Commission completed its work. Therefore, the Committee would recommend that it continue to monitor the implementation of the watershed protection program.
2. The Committee shall continue to monitor the Department of Environment, Health, and Natural Resources' implementation of the State's water supply plan, the registration of water transfers, and the Department's progress in completing the State's comprehensive water supply plan.
3. The Committee shall monitor proposed revisions being considered by the Environmental Management Commission to the groundwater protection rules.
4. The Committee shall continue to study the authorization of counties to charge a fee for monitoring compliance with discharge permits.
5. The Committee shall monitor and would recommend the enactment of pending legislation regarding water issues.
6. The Committee shall monitor the proposed water quality rules for animal waste management being developed by the Environmental Management Commission.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.





### III. HEALTH AND HUMAN RESOURCES

#### **CHILD DAY CARE ISSUES**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. 2.2  
(HB 1062-Easterling)

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**CHILD DAY CARE ISSUES**

The Legislative Research Commission Study Committee on Child Day Care Issues met four times in full session, on February 12, 1992, March 10, 1992, April 8, 1992, and April 27, 1992. A subcommittee to examine day care subsidized rate structure met on April 16. The Committee began examination of the whole spectrum of child care issues and made a report to the 1991 General Assembly, Regular Session, 1992. In addition to several recommendations that do not require legislation, the Committee recommended the following legislative proposals:

1. A BILL TO BE ENTITLED AN ACT TO MANDATE CRIMINAL RECORD CHECKS OF CHILD DAY CARE PROVIDERS AND SPOUSES OF CHILD DAY CARE OPERATORS.
2. A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 593 OF THE 1991 SESSION LAWS TO PROVIDE FOR THE STATE BUREAU OF INVESTIGATION'S IMMEDIATE NOTIFICATION OF ALLEGED SEXUAL ABUSE IN DAY CARE.
3. A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "DAY CARE" TO EXCLUDE DROP-IN CARE.
4. A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE ISSUES.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

**HEALTH SYSTEMS ISSUES**

**Authority:** 1989 Session Laws, Chapter 802, Part IV, SB 231  
 (SB 435-Block; HB 1098-Wiser)  
 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(11)  
 (HB 476-Payne; SB 367-Walker, SB 407-Walker)

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#### HEALTH SYSTEMS ISSUES

The LRC Study Committee on Health Systems Issues is charged with two tasks: (1) to study public health services in North Carolina and recommend improvements, and (2) to make a recommendation concerning the licensure of radiologic technologists, pursuant to the recommendation of the Legislative Committee on New Licensing Boards regarding Senate Bill 738, AN ACT TO ESTABLISH THE RADIATION TECHNOLOGY PRACTICE ACT.

The Committee has met four times as a full Committee on the following dates: January 16, 1992, February 27, 1992, March 23, 1992, and April 22, 1992. The first two meetings were dedicated to organizational functions and Committee education regarding:

1. The definition of public health;
2. The history of public health;

3. The delivery of public health services in North Carolina; and
4. Public health issues.

The major purpose of the third meeting was to refine issues related to the operation and financing of local health departments. In connection with this meeting Committee members made site visits to two local health departments, and obtained statistical information from the Department of Environment, Health, and Natural Resources on ten sample health departments. The Committee will make recommendations related to public health systems issues to the 1993 General Assembly.

In order to execute its charge from the Commission on Senate Bill 738, the licensure of radiologic technologists, Committee Cochair appointed a subcommittee composed of five members from the full Committee. The subcommittee met on April 9, 1992, and on April 14, 1992, and made its recommendations to the full Committee at its fourth meeting on April 22, 1992. The subcommittee recommended that Senate Bill 738 be passed, and also recommended amendments to that bill. The Committee accepted the subcommittee's report on Senate Bill 738 and submits that report to the full Commission for its consideration.

The LRC at its meeting on May 7, 1992, reviewed the report of this Committee and amending it accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly. The report was amended by the inclusion of a letter of objection from a representative of the North Carolina Dental Society.

## **PHYSICAL FITNESS AMONG NORTH CAROLINA YOUTH**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(50)  
(SB 15-Tally)

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#### **PHYSICAL FITNESS AMONG NORTH CAROLINA YOUTH**

The Committee on Physical Fitness Among North Carolina Youth has met twice since its authorization. Pursuant to its charge to study physical fitness among North Carolina youth, the Committee has heard from a number of persons and organizations with particular interest and expertise relative to this subject such as the Governor's Council on Physical Fitness and Health, the Department of Public Instruction, national and local educators, physicians, researchers, and business.

The Committee has heard testimony that suggests that physical activity and fitness levels of children and adolescents in North Carolina are cause for alarm. Meanwhile, evidence is mounting which supports the positive relationship between physical activity and improved academic achievement in youth and adolescents. Escalating health care costs lends further support to promoting active lifestyles for our youth.

Effective programs to promote physical activity and fitness in youth do exist in North Carolina. Questions concerning the amount and quality of physical education in North Carolina's schools still require further study.

A study currently being conducted by the Governor's Council on Physical Fitness and Health will test the physical fitness levels of randomly selected North Carolina youth. This information will be available to the Committee after the 1992 Session and will serve as indicators. These indicators along with other information collected by the Committee will serve as the basis for recommendation to the 1993 General Assembly.



#### IV. LABOR

### **ALTERNATIVE APPROACHES TO DEAL WITH DISCRIMINATION IN EMPLOYMENT**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(13)  
(HB 555-Kennedy)

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**ALTERNATIVE APPROACHES TO DEAL WITH  
DISCRIMINATION IN EMPLOYMENT**

The Committee on Alternative Approaches to Deal with Discrimination in Employment met five times before making its interim report to the Legislative Research Commission.

At its initial meeting on December 16, 1991, the Committee reviewed its charge and adopted its budget and was briefed on the background of the study's legislation and the history of federal employment discrimination law.

At its meeting on January 21, 1992, the Committee heard presentations concerning antidiscrimination laws in other states and data from the Equal Employment Opportunity Commission (EEOC) about the number and types of charges filed in North Carolina. The Committee, also, heard presentations concerning the Civil Rights Act of 1991 and Title I of the Americans with Disabilities Act.

The Committee held a public hearing at its meeting on February 25, 1992. The speakers discussed the following: (1) Industry's concern about increasing bureaucracy; (2) Allegations of discrimination in State agencies and procedures for addressing it both informally within agencies and formally under the State Personnel Act; (3) A recommendation to establish a Civil Rights Division within the Attorney General's Office to assist State employees alleging discrimination; (4) Consideration of legislation that protects against lifestyle discrimination; and (5) Support for a fair employment law and State deferral agency.

On March 31, 1992, the Committee followed up on two areas of concern raised at the public hearing. The Committee focused on the allegations involving State agencies and the need for lifestyle protection legislation.

In its interim report, the Committee would recommend the following bill to the 1992 Session of the 1991 General Assembly, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION AGAINST ANY PERSON FOR ENGAGING IN ANY LAWFUL ACTIVITY DURING NONWORKING HOURS UNRELATED TO EMPLOYMENT. This bill would make it unlawful for an employer to discriminate against an employee or prospective employee because of any lawful activity that the individual engages in outside the premises of the employer during nonworking hours if that activity does not adversely affect job performance or the safety of others.

The Committee expects to continue its study and discussion of the other issues at future meetings.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

**USE OF PRISON INMATES**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(23)  
(HJR 867-Albertson)



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## **USE OF PRISON INMATES**

The Use of Prison Inmates Study Committee met five times between November, 1991 and the beginning of the 1992 Session to examine the use of inmates for work, educational,

and program assignments including construction and maintenance of prisons and other State and local facilities, and for work in expanded public or private prison enterprises.

After reviewing current inmate educational and work programs and hearing comments from the Department of Correction, Correction Enterprises, and various other State agencies and private groups, the Committee found that inmate work programs foster training in the work ethic, allow for the payment of restitution, provide for the development of a productive work force, and foster well-managed correctional institutions by reducing costs and reducing inmate idleness. Program assignments are a valuable resource and a means for inmates to make amends, and to learn new skills that can prevent them from continuing old habits and returning to crime.

In its interim report, the Committee would recommend:

1. That the General Assembly enact Senate Bill 314, Prison Industry Funds, during the 1992 Session. The bill, introduced by Senator Roy Cooper, has passed the Senate and is in the House Committee on Rules, Appointments, and the Calendar. Senate Bill 314 would authorize the Secretary of Correction to enter a lease with a private corporation for the purpose of establishing and operating a commercial enterprise to provide employment opportunities for inmates in meaningful jobs for wages.
2. That the Secretary of Corrections and the Director of the Division of Prisons examine the feasibility of instituting a self-motivation course in the State prison system and report their findings to the Committee for inclusion in its final report. Experts suggest that the negative-thinking patterns of many prison inmates might be changed to help them live better, more successful lives, not only upon release, but also while they remain in prison.
3. That prisoners confined in local facilities work for counties, helping to defray the costs of their incarceration and reducing the potential for violence that results from idleness in crowded cellblocks. The Committee proposed A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO REQUIRE PRISONERS TO WORK ON PROJECTS TO BENEFIT UNITS OF STATE OR LOCAL GOVERNMENT.
4. That the General Assembly encourage and support efforts by the Department of Correction to establish a plan for increasing the use of inmate labor in prison construction and maintenance projects. The Committee found that there is evidence of significant cost savings in using inmate labor in prison construction.

The Committee will continue its work during the 1992 interim, and will make a final report to the 1993 General Assembly.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

## **WORKERS' COMPENSATION FOR FARM WORKERS**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(25)  
(HB 952-Hackney)

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### **WORKERS' COMPENSATION FOR FARM WORKERS**

The Committee on Workers' Compensation for Farm Workers met four times from November 1991 through March 1992. The following individuals and representatives of the following groups testified before the Committee: Department of Labor, NC Primary Health Care Association, Industrial Commission, NC Farm Bureau Federation, Department of Insurance, NC Rate Bureau, Farmworkers' Legal Services of NC, Dr. Michael D. Schulman, and Dr. Michael L. Walden.

At its initial meeting, the Committee reviewed the charge to the Committee and received a general overview of the law in North Carolina and other states as it pertains to workers' compensation coverage for farm workers. The Committee also discussed the

degree of danger involved in the agricultural occupations as compared to other occupations and health related issues.

At its December meeting, the Committee (1) learned about the workers' compensation claims process, (2) reviewed rural and farm life statistics that are annually collected through farm surveys concerning the number of farms in North Carolina, the number of laborers per farm, and the farms' expenses, including costs for labor, and (3) discussed the farmers' position that there currently is no need to mandate farmers to provide workers' compensation coverage to all farm workers, including seasonal and migrant workers.

At the Committee's January meeting, Dr. Michael Walden, Department of Agricultural and Resource Economics at NCSU, presented statistics concerning net farm income for the last ten years. The Committee also reviewed the workers' compensation rate setting process, and workers' compensation claims experience for NC agricultural workers as compared to the claims experience for agricultural workers in other states.

At its final meeting in March, the Committee reviewed and discussed House Bill 952, on which its study is based, a summary of workers' compensation coverage for farm workers in North Carolina and six other states, and alternative State methods for providing workers' compensation insurance coverage. The Committee reviewed a summary of information and reports that it had received, and concluded that workers' compensation coverage is available on a voluntary basis for all farm workers, most farmers have liability insurance that covers some of the same things that workers' compensation insurance covers, and farmers cannot afford additional expenses at this time. The Committee voted to discontinue the study and will not report to the General Assembly.

#### **WORKER TRAINING TRUST FUND**

**Authority:** 1989 Session Laws, Chapter 802, Sec. 2.1(3), SB 231  
(SB 271-Parnell)  
1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(6)  
(HB 170-James; SB 203-Raynor)

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**WORKER TRAINING TRUST FUND**

The LRC Study Committee on the Worker Training Trust Fund (WTTF) was appointed in the fall of 1991. Its charge was to study the WTTF and to recommend funding choices to the 1992 Short Session or to the 1993 General Assembly or to both, guided by G.S. 96-5(f).

The Committee has met five times. It heard progress reports from current WTTF grantees. It heard requests for additional or new funding from the WTTF during the second year of the biennium, beyond the amounts already appropriated in the 1991 Budget Act.

The Committee was informed that an even \$14 million will be available to be spent in the 1992-93 fiscal year--\$1,790,327 beyond that already appropriated in the 1991 Budget Act for the 1992-93 fiscal year.

After debate, the Committee voted to recommend the following WTTF funding package for the 1992-93 fiscal year:

- \* \$5,839,964 to the Employment Security Commission to maintain local employment service offices at the 1986-87 level of service.
- \* \$1,746,000 to the Department of Community Colleges for the Focused Industrial Training (FIT) Program.
- \* \$2,400,000 to the Department of Economic and Community Development for the Employment and Training Grant Program.
- \* \$2,489,036 to the Department of Human Resources for the Job Opportunities and Basic Skills (JOBS) Program.
- \* \$1,000,000 to the Department of Labor for Customized Job Training.
- \* \$300,000 jointly to the Department of Public Instruction and the Department of Community Colleges for an entrepreneurial training program to be operated by N.C. REAL Enterprises.
- \* \$225,000 to the State Occupational Information Coordinating Committee (SOICC) for a program of follow-up data on participants in training programs.

The recommendations are incorporated in A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MONEY FROM THE WORKER TRAINING TRUST FUND FOR THE 1992-93 FISCAL YEAR.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

## **FIRE AND OCCUPATIONAL SAFETY AT INDUSTRIAL AND COMMERCIAL FACILITIES**

**Authority:** G.S. 120-30.17  
**Report by:** Legislative Research Commission  
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at Industrial and Commercial Facilities)

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**FIRE AND OCCUPATIONAL SAFETY  
AT INDUSTRIAL AND COMMERCIAL FACILITIES**

The LRC Committee on Fire and Occupational Safety at Industrial and Commercial Facilities has held six meetings, including one meeting in Hamlet, North Carolina. The Hamlet meeting included testimony from employees of Imperial Foods Processing and other companies, as well as a tour of three local industries in Rockingham County. Throughout its deliberations, the Committee has heard from both employer and employee representatives regarding workplace safety and health. Testimony before the Committee has included current employer safety programs and safety initiatives, the strengths and weaknesses of the Occupational Safety and Health Act and of its enforcement, discharges of employees in retaliation for filing OSHA or workers' compensation claims, and the benefits of safety committees and safety training at worksites. The Commissioners of Insurance and Labor have addressed the Committee on their departments' respective roles in fire safety and occupational safety. The Committee has also reviewed the workplace safety and health of State employees and the organizational structure of safety-related agencies in State government.

The Committee received numerous recommendations for changes to improve workplace safety and health. After reviewing the proposals, the Committee formulated 14 pieces of legislation to present to the LRC for consideration during the 1992 session. The Committee plans to resume its meetings in the fall to consider other workplace safety issues.

The proposals to be presented for the short session are as follows:

1. AN ACT TO CLARIFY THE ENFORCEMENT OF THE BUILDING CODE BY A MUNICIPALITY IN ITS EXTRATERRITORIAL JURISDICTION AND TO

- PROVIDE FOR THE APPOINTMENTS OF MINORITIES AND WOMEN TO THE BUILDING CODE COUNCIL.
2. AN ACT TO REQUIRE EMPLOYERS TO REPORT AT LEAST ANNUALLY ON FATALITIES AND SERIOUS INJURIES IN THE WORKPLACE, TO REQUIRE THE REPORTING OF CERTAIN SAFETY DATA TO THE COMMISSIONER OF LABOR BY VARIOUS AGENCIES, AND TO ENSURE WHERE APPROPRIATE, THE CONFIDENTIALITY OF DATA RELEASED TO THE COMMISSIONER.
  3. AN ACT TO PERMIT THE COMMISSIONER OF LABOR TO IMPOSE PENALTIES AGAINST PUBLIC AGENCIES FOR OSHA VIOLATIONS.
  4. AN ACT TO ESTABLISH A WORKPLACE REQUIREMENTS PROGRAM FOR THE SAFETY AND HEALTH OF ALL STATE EMPLOYEES.
  5. AN ACT TO ESTABLISH AN INTERAGENCY TASK FORCE TO STUDY THE REORGANIZATION OF STATE AGENCIES INVOLVED WITH OCCUPATIONAL SAFETY AND HEALTH AND FIRE SAFETY RESPONSIBILITIES AND TO REPORT TO THE LRC COMMITTEE ON FIRE AND OCCUPATIONAL SAFETY AT INDUSTRIAL AND COMMERCIAL FACILITIES BY OCTOBER 1, 1992.
  6. AN ACT TO CREATE A SPECIAL EMPHASIS PROGRAM TO TARGET OSHA INSPECTIONS.
  7. AN ACT TO REQUIRE STATE CONSTRUCTION SITE SAFETY STUDY AND THE DESIGNATION OF SAFETY OFFICERS ON STATE CONSTRUCTION SITES AND TO REQUIRE MINORITY AND WOMEN REPRESENTATION ON THE STATE BUILDING COMMISSION.
  8. AN ACT TO ESTABLISH A SAFETY AND HEALTH FUND TO FUND THE OPERATIONS OF CERTAIN STATE SAFETY-RELATED PROGRAMS.
  9. AN ACT TO REPEAL THE STATUTE OF REPOSE FOR THE COLLECTION OF DEATH BENEFITS UNDER THE WORKERS' COMPENSATION ACT AND TO ALLOW AN ACTION AGAINST AN EMPLOYER FOR REMOVAL OF MACHINERY GUARDS THAT RESULTS IN INJURY TO THE EMPLOYEE.
  10. AN ACT TO PROTECT EMPLOYEES FROM RETALIATORY DISCRIMINATION IN EMPLOYMENT FOR ENGAGING IN PROTECTED ACTIVITIES.
  11. AN ACT TO REQUIRE CERTAIN EMPLOYERS TO ESTABLISH SAFETY AND HEALTH PROGRAMS AND SAFETY AND HEALTH COMMITTEES IN THE WORKPLACE.
  12. A JOINT RESOLUTION URGING CONGRESS OF THE UNITED STATES TO REQUIRE FEDERAL AGENCIES RESPONSIBLE FOR INSPECTING WORKPLACES TO SHARE INFORMATION WITH STATE AGENCIES RESPONSIBLE FOR ENFORCEMENT OF STATE AND FEDERAL OCCUPATIONAL SAFETY AND HEALTH LAWS.
  13. AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF LABOR FOR THE EMPLOYMENT OF SAFETY AND HEALTH INSPECTORS AND RELATED SUPPORT STAFF.
  14. AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE CONSTRUCTION OF A HAZARDOUS WASTE FACILITY AT NORTH CAROLINA STATE UNIVERSITY.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.



## V. LAW ENFORCEMENT

### **LAW ENFORCEMENT ISSUES**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(60)  
(SJR 955-Perdue)

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### **LAW ENFORCEMENT ISSUES**

The Committee on Law Enforcement Issues met three times from November, 1991, through February, 1992.

**Law Officers Perspective:** At the first meeting of the Committee, officials from various law enforcement agencies addressed the Committee regarding their perspectives on law enforcement issues in North Carolina. The Committee heard that crime in North Carolina is growing at a much faster rate than the rest of the South and the nation as a whole. All speakers reported that the criminal justice "apparatus" is a failure. Law enforcement personnel, the court system, and the correctional system are overwhelmed. Much of the driving force behind crime is now drug-related. There was general consensus that there will be no "quick fix." Large scale social problems must be addressed over the next decade towards a more meaningful criminal justice system.

**Drugs and Law Officers Perspective:** The second meeting of the Committee focused on the programs, particularly drug programs, that involve prevention, treatment, and education. Officials from the DARE Program, the State Bureau of Investigation, and the Substance Abuse Division in the Department of Corrections spoke and stated that an integrated effort is needed to deal with the causes of crime. Also at that meeting, the Chair of the Parole Commission told the Committee that the Parole Commission is the "destroyer" of the criminal justice system, due to the overcrowded correctional facilities which forces the early release of inmates. Finally the Committee heard a report from the Chair of the Sentencing and Policy Advisory Commission on its work to propose a comprehensive restructured sentencing system for North Carolina. One of the primary goals of that Commission is to provide "truth in sentencing," so that defendants will actually serve the time they are sentenced.

**Successful Programs in Other Jurisdictions:** Chief Rubin Greenburg of the Charleston Police Department addressed the Committee at its third meeting. Chief Greenburg has significantly reduced the crime in Charleston without any additional resources. He spoke on various ways to reduce the incidents of victimization and to combat the drug activity. Arrest alone is not enough; the opportunities to commit crime and the benefits from committing crime must be extinguished. Chief Greenburg emphasized that the criminal justice system is often wrong in its policies regarding deterrence, certainty, and fault.

**Interim Report:** The Committee did not file an interim report with the 1992 Session of the General Assembly but plans to resume meetings in the fall.

## **MOTOR VEHICLE TOWING AND STORAGE**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(54)  
(SB 687-Sands)

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## **MOTOR VEHICLE TOWING AND STORAGE**

The Legislative Research Commission Motor Vehicle Towing and Storage Study Committee met twice from January to April 1992. The Committee concentrated its efforts on two issues: (1) development of a new wrecker assignment system for the Highway Patrol; and (2) expedited disposal of abandoned vehicles by towing and storage companies. In its deliberations, the Committee has heard presentations from the Towing and Motor Vehicle Recovery Professionals of North Carolina, the Highway Patrol, the Department of Motor Vehicles, and other interested parties.

The Committee is not making a report to the 1991 General Assembly, 1992 Regular Session. The Committee plans to resume its work after the short session.

## **RIGHTS OF VICTIMS OF CRIME**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(30)  
(HB 1033-Grady)

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**RIGHTS OF VICTIMS OF CRIME**

The committee met four times beginning January, 1992 to study various issues relating to the rights of victims of crime. The Committee has reviewed existing programs including the Crime Victim's Compensation Fund and the Fair Treatment for Victims and Witnesses Act, and has heard testimony from victim advocates as well as the Conference of District Attorneys, the Attorney General's Office, the Administrative Office of the Courts, and the Institute of Government. The major issue before the Committee is a proposed amendment to the State Constitution which would grant certain enumerated rights to victims of crime. The Committee will resume its deliberations after the 1992 Session, and will report to the 1993 General Assembly.



## VI. REVENUE AND FINANCING

### **AMORTIZATION OF NONCONFORMING USES OF PROPERTY**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(28)  
(HB 1009-S. Hunt)

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#### **AMORTIZATION OF NONCONFORMING USES OF PROPERTY**

The Committee on Amortization of Nonconforming Uses of Property met a total of three times before making its final report to the Legislative Research Commission.

The Committee heard a series of presentations pertaining to the amortization or phasing out of nonconforming uses of property. The Institute of Government presented an overview of the federal and state caselaw addressing the practice of amortization. The Institute also presented a summary of selected legislation from different states addressing amortization. In addition, the Committee heard presentations from the North Carolina Outdoor Advertising Association, the North Carolina League of Municipalities, and Scenic North Carolina. The Committee also heard presentations from individual property owners both opposed to and in favor of amortization.

In its final report, the Committee on Amortization of Nonconforming Uses of Property would recommend to the 1992 Regular Session of the 1991 General Assembly "A BILL TO BE ENTITLED AN ACT TO LIMIT THE PHASING OUT OF NONCONFORMING USES AND CHARACTERISTICS OF PROPERTY." The bill limits the practice of amortization by local governments to the following uses: (1) signs, both on-premises and off-premises; (2) adult establishments; and (3) junkyards. The legislation includes a minimum amortization or phase-out period of six years for the above uses. Absent a danger to public health or safety, all other uses and structures which are rendered nonconforming by the adoption or amendment of an ordinance would be allowed to continue subject to restrictions on their expansion, repair, and resumption and local requirements of minor modifications. The bill also provides for the voluntary modification of nonconforming uses to bring such uses into conformity.

The LRC at its meeting on May 7, 1992, passed a motion not to forward this Committee's report.

#### **REVENUE LAWS**

**Authority:** 1989 Session Laws, Chapter 802, Sec. 2.1(12), SB 231  
(HJR 3-Lilley)  
1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(1)  
(HJR 7-Lilley)



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## **REVENUE LAWS**

The Legislative Research Commission's Revenue Laws Study Committee met four times before the 1992 Regular Session of the 1991 General Assembly. The Committee focused primarily on problems created by the extensive tax changes enacted by the 1991 General Assembly and on proposals from taxpayers and tax officials to improve the administration of the tax laws. In addition, the Committee devoted some of its time to a consideration of basic tax policy and tax structure.

The Revenue Laws Study Committee will make an interim report to the Legislative Research Commission. The Committee's legislative proposals consist of 16 bills:

1. AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED TO DETERMINE CERTAIN TAXABLE INCOME AND TAX EXEMPTIONS.
2. AN ACT TO CLARIFY THE STATUTES GOVERNING INCOME TAX RETURNS AND TAX FILING EXTENSIONS AND TO AUTHORIZE THE SECRETARY OF REVENUE TO ALLOW PAPERLESS TAX FILING EXTENSIONS AND ELECTRONIC FILING OF INCOME TAX RETURNS.
3. AN ACT TO CLARIFY THE SCOPE OF THE CORPORATE INCOME TAX ON UNRELATED BUSINESS INCOME OF EXEMPT CORPORATIONS.
4. AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES RELATING TO PROPERTY TAXES ON MOTOR VEHICLES.
5. AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.
6. AN ACT TO RELIEVE A SELLER WHO SELLS PROPERTY UNDER A CERTIFICATE OF RESALE OF THE BURDEN OF PROVING THAT THE SALE WAS FOR RESALE AND TO PROVIDE A PENALTY FOR A PURCHASER WHO MISUSES A CERTIFICATE OF RESALE.
7. AN ACT TO REINSTATE TWO SALES TAX PROVISIONS THAT WERE INADVERTENTLY DELETED IN PRIOR LEGISLATION.
8. AN ACT TO INCREASE THE AMOUNT OF BEER A MINI-BREWERY CAN SELL TO CONSUMERS AT THE BREWERY AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE ALCOHOLIC BEVERAGE LAWS.
9. AN ACT TO REVISE THE CATEGORY OF SPECIAL MOBILE EQUIPMENT, TO ESTABLISH A UNIFORM REGISTRATION FEE FOR SPECIAL MOBILE EQUIPMENT, TO ALLOW SPECIAL MOBILE EQUIPMENT TO TOW CERTAIN VEHICLES, AND TO MAKE MOBILE CLASSROOMS AND MOBILE OFFICES SUBJECT TO SALES TAX RATHER THAN HIGHWAY USE TAX.
10. AN ACT TO CLARIFY THAT THE SCRAP TIRE DISPOSAL TAX DOES NOT APPLY TO NEW TIRES PLACED ON NEWLY MANUFACTURED VEHICLES.
11. AN ACT MAKING TECHNICAL AND OTHER CHANGES TO THE FUEL TAX LAWS
12. AN ACT TO ENSURE THAT THE AMOUNT OF A BOND FILED AS A CONDITION OF APPEALING A TAX DECISION TO COURT IS ADEQUATE TO COVER ANY LIABILITY DETERMINED ON APPEAL.
13. AN ACT TO CONVERT THE SECURITY DEALER PRIVILEGE LICENSE TAX FROM A TAX BASED ON THE NUMBER OF OFFICES FROM WHICH SECURITIES ARE SOLD TO A TAX ON EACH INDIVIDUAL WHO SELLS SECURITIES, THEREBY TREATING SELLERS OF SECURITIES THE SAME AS OTHER PROFESSIONALS.
14. AN ACT MAKING TECHNICAL AND ADMINISTRATIVE CHANGES TO THE LICENSE AND EXCISE TAX LAWS.
15. AN ACT TO REPLACE THE AUTHORITY OF COUNTIES TO RETAIN THEIR COSTS IN COLLECTING THE DEED STAMP TAX WITH THE

**AUTHORITY TO RETAIN A FIXED AMOUNT OF THE REVENUE FROM THAT TAX.**

- 16. AN ACT TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ALLOW OR REQUIRE PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER AND TO APPROPRIATE FUNDS FOR AUTOMATION NECESSARY TO IMPLEMENT THE ELECTRONIC FUNDS TRANSFER PROGRAM.**

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.



## VII. STATE AND LOCAL GOVERNMENTS AND THEIR STRUCTURES

### **EMERGENCY MANAGEMENT ISSUES**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(59)  
(SJR 946-Basnight)

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#### **EMERGENCY MANAGEMENT ISSUES**

The LRC Study Committee on Emergency Management Issues met three times. The Committee plans to resume meeting after the 1992 Regular Session of the 1991 General Assembly.

At its initial meeting the Committee reviewed the role and functions of the Emergency Management Division of the Department of Crime Control and Public Safety. The Committee learned of several major areas of concern that affect Emergency Management operations and the health and safety of the residents of the State. Among these are the need for regional response teams for hazardous materials emergencies; the need for resources to cope with natural disasters and maintain those resources already in place; and the need for a State disaster recovery law.

In the next two meetings, the Committee began to address these concerns, focusing on (1) the impact on the Emergency Management Division of a cut in federal defense spending and (2) the complexities of establishing regional response teams for hazmat emergencies.

The Committee expects to continue its discussions on the regional response team concept and the issue of the State disaster recovery law and fund in the fall and will not report to the 1992 Regular Session of the 1991 General Assembly.

#### **STATE PARKS AND RECREATION AREAS**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(4)  
(HB 141-N. Crawford)

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#### **STATE PARKS AND RECREATION AREAS**

The Committee on State Parks and Recreation Areas met four times from January through April 1992 before filing its interim report with the Legislative Research Commission.

The initial meetings were primarily organizational in nature and focused on the status and needs of the State parks and recreation areas. The Committee also reviewed the fifteen bills proposed and introduced during the 1991 Session by the previous Study Commission. The members discussed the eligibility of those bills and what strategy to pursue in relation to those bills. At the third meeting the Study Committee heard a presentation from a group seeking to establish a State park at the Light Ground Pocosin in Pamlico County. Also at that meeting officials from the Department of Environment, Health, and Natural Resources addressed the Committee on coastal management and citizen involvement. The agenda for the final meeting included a follow-up discussion with personnel from the State Property Office and the Wildlife Resources Commission regarding the Light Ground Pocosin. The Committee also adopted the draft interim report and the proposed legislation.

The Committee would make three recommendations to the 1992 Session: (1) that there be a prioritization within the beach access and maritime forest programs, (2) that funds be appropriated for beach access and park maintenance, and (3) that the proposed legislation be enacted.

In its interim report the Committee on State Parks and Recreation Areas would recommend the following bill to the 1992 Regular Session of the 1991 General Assembly:

**A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE OF NORTH CAROLINA TO GRANT A UTILITY EASEMENT TO CAROLINA POWER AND LIGHT ACROSS UMSTEAD PARK, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO MAINTAIN PARKING LOTS IN THE STATE PARKS AND RECREATION AREAS, AND TO CONFORM STATUTES RELATING TO RULE OFFENSES COMMITTED IN THE STATE PARKS AND RECREATION AREAS. This bill would authorize a utility easement for private purposes within Umstead State Park, would mandate that the Department of Transportation maintain parking lots in the parks**

and recreation areas, and would make technical changes to statutes regarding waivable offenses in the parks and recreation areas.

In the fall the Committee on State Parks and Recreation Areas plans to examine options for securing a stable funding source for the Parks System.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

## **NORTH CAROLINA INDIAN CULTURAL CENTER STUDY**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. 2.4  
(SB 831-Parnell, W. Martin; SB 920-Parnell)

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**NORTH CAROLINA INDIAN CULTURAL CENTER**

Section 2.4 of Chapter 754 of the 1991 Session Laws authorized the Legislative Research Commission to study the issue of developing the North Carolina Indian Cultural Center in Robeson County. The North Carolina Indian Cultural Center Study Committee may report its findings to the 1992 Regular Session of the 1991 General Assembly, the 1993 General Assembly, or both.

The North Carolina Indian Cultural Center Study Committee has not held a meeting, but may meet after the 1992 Regular Session of the 1991 General Assembly.

**UNIFORM ADMINISTRATION OF ALL COUNTY REGISTER OF DEEDS OFFICES**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(43)  
(HB 1232-Buchanan)

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#### **UNIFORM ADMINISTRATION OF ALL COUNTY REGISTER OF DEEDS OFFICES**

Chapter 754 of the 1991 Session Laws authorized the Legislative Research Commission to study the feasibility of achieving uniform administration of all county register of deeds offices through an existing State agency.

A meeting of the Uniform Administration of All County Register of Deeds Offices Study Committee has not been scheduled.

## VIII. STATE REGULATION

### **BEACH AND FAIR PLANS**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. 2.3 (Basnight; Block)

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**BEACH AND FAIR PLANS**

The Committee on Beach and FAIR Plans will meet four times before making its final report to the Legislative Research Commission.

At its December meeting, members of the Outer Banks Chamber of Commerce presented their concerns to the Committee about the operations of the Beach and FAIR Plans. Representatives from the Plans gave the Committee an overview of the Plans and responded to the expressed concerns about the Plans' operations.

At the February meeting, the Committee heard suggestions from insurance agents' associations, the Department of Insurance, and the Beach and FAIR Plans about how the Plans could be improved, as well as those organizations' other comments about the operations of the Plans. The Committee asked that the Department bring proposed legislation to its next meeting.

The March meeting opened with a public hearing. Most of the speakers, including one committee member, complained about the high buy-back premium for windstorm coverage in the Beach Plan. Another major concern was the lack of authority to bind immediate coverage by agents within the FAIR and Beach Plans. The Department of Insurance reviewed its proposed legislation with the Committee. The Committee agreed to let the Department work further on the legislation and asked that the Beach and FAIR Plans be prepared to respond to the proposed legislation.

At its April meeting, the Committee recommended the following bill for consideration during the 1992 Session--A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE OPERATIONS OF THE FAIR AND BEACH PLANS.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

**HORSE RACING IN NORTH CAROLINA**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(10)  
 (HB 341-James; SB 917-W. Martin)

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### **HORSE RACING IN NORTH CAROLINA**

The Horse Racing in North Carolina Study Committee has met three times, on December 10, 1991, February 11, 1992, and March 23, 1992. At the first two meetings the Committee discussed background information on racing, including the effect racing would have on the equine industry in North Carolina, thoroughbred racing in other states, standardbred racing in other states, quarter horse racing in other states, various types of tracks, the necessity for pari-mutuel wagering to support racing, track and wagering security, and other related subjects.

At the third meeting the Committee began an exhaustive review of House Bill 341, which serves as the focus of the study, with the goal of reporting a revised bill to the 1993 Session of the General Assembly.

### **STATEWIDE COMPREHENSIVE PLANNING**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(38)  
(HJR 1157-Hardaway)

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### **STATEWIDE COMPREHENSIVE PLANNING**

The Committee on Statewide Comprehensive Planning met once on March 13, 1992. At that meeting, the Committee reviewed its charge and adopted its budget. After handling organizational matters, the Committee met with the Mountain Area Study Commission. An overview of comprehensive and regional planning initiatives in other

states was presented by a University of North Carolina Professor of City and Regional Planning. A summary of present land use initiatives in North Carolina was presented by a representative of the Community Assistance Division, Department of Economic and Community Development.

The two study groups decided to meet jointly, again, to receive information from experts involved in comprehensive planning in Georgia. Interest was expressed, also, in hearing from persons involved with North Carolina's Coastal Area Management Act. It was recognized that information about Georgia's and CAMA's experiences would be useful to North Carolina's consideration of comprehensive and regional planning.

The Committee expects to continue its study of comprehensive planning initiatives and discussion of the issues at future meetings. The Committee will not report to the 1992 Session of the 1991 General Assembly.

## **WAYS TO PROMOTE THE CONSERVATION OF ENERGY AND THE USE OF RENEWABLE ENERGY SOURCES IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITIES**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(29)  
(HJR 1021-Luebke; SJR 789-Plexico)

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**WAYS TO PROMOTE THE CONSERVATION OF ENERGY  
AND THE USE OF RENEWABLE ENERGY SOURCES  
IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND PUBLIC FACILITIES**

The Legislative Research Commission's Committee on Ways to Promote the Conservation of Energy and the Use of Renewable Energy Sources in Residential, Commercial, Industrial, and Public Facilities has met two times. The Committee has heard from all the State agencies that play a role in energy conservation: the Building Code Council Section of the Department of Insurance, the Energy Division of the Department of Economic and Community Development, the Office of State Construction of the Department of Administration, the Division of School Facility Services of the Department of Public Instruction, the University of North Carolina General Administration, the Division of Facility Services of the Department of Human Resources, and the Department of Transportation.

The Committee has heard from two out-of-state experts in the field of energy conservation: Dr. Frank Kreith, an American Society of Mechanical Engineers Legislative Fellow with the National Conference of State Legislatures who spoke on the subject of energy management and state action, including lease cost planning; and Dr. Larry Bean, the Director of the Iowa Energy Office, who informed the Committee of Iowa's innovative method of funding energy projects in state buildings, public schools, and community colleges. Tim Kent, executive director of the AIA North Carolina commented on the shortcomings of the energy standards of the Building Code. Bill Holman, an environmental lobbyist, told the Committee about the EPA-sponsored Green Lights Program and urged North Carolina to participate. Gregory Lowe, a senior lighting specialist for Sylvania Lighting talked about Sylvania's latest technology in energy efficient lighting products.

It is of primary importance that a method of funding energy conservation in State buildings be addressed. The Committee has reached some consensus that presently there is a disincentive at individual State agencies to conserve energy. Budget flexibility is needed to allow energy savings to be retained by the agency (rather than to revert to the General Fund) and used for different budget line items. The Committee plans to meet at least three times after the short session for the purpose of discussing the proposals which have been presented to the Committee, and to report to the 1993 General Assembly.



## IX. TRANSPORTATION

### **RAILROADS AND OTHER PUBLIC TRANSPORTATION**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(17)  
(HJR 700-Hurley)

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**RAILROADS AND OTHER PUBLIC TRANSPORTATION**

The Legislative Research Commission Railroads and Other Public Transportation Study Committee met four times from January to April 1992. At its January meeting, the Committee heard presentations on the new federal Intermodal Surface Transportation Efficiency Act (ISTEA). At its second meeting, the Committee examined the problems of the short line railroad industry, and began discussion of a proposed transfer of railroad regulatory functions from the Utilities Commission to the Department of Transportation. At its third meeting, the Committee continued discussion of the railroad regulatory transfer, and considered four proposals from the N.C. Public Transportation Association concerning (1) use of property taxes for public transportation without a referendum; (2) sales tax refunds for public transit authorities; (3) Committee endorsement of Senate Bill 131 (Preserve Rail Easements); and (4) Commuting by State Employees.

At its fourth meeting, the Committee adopted an interim report for submission to the 1992 Regular Session of the 1991 General Assembly. The Committee's interim report includes the following proposed bills:

1. A BILL TO BE ENTITLED AN ACT TO TRANSFER RAILROAD SUPERVISION AND RAILROAD SAFETY SUPERVISION FROM THE NORTH CAROLINA UTILITIES COMMISSION TO THE DEPARTMENT OF TRANSPORTATION AND TO APPROPRIATE FUNDS TO SUPPORT THE TRANSFER.
2. A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES AND COUNTIES TO USE PROPERTY TAXES TO SUPPORT PUBLIC TRANSPORTATION WITHOUT CALLING A REFERENDUM.
3. A BILL TO BE ENTITLED AN ACT TO PERMIT PUBLIC TRANSPORTATION AUTHORITIES AND REGIONAL PUBLIC TRANSPORTATION AUTHORITIES TO RECEIVE ANNUAL SALES TAX REFUNDS.
4. A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO STUDY COMMUTING BY STATE EMPLOYEES AND REPORT TO THE 1993 GENERAL ASSEMBLY.

The Committee also would recommend passage of Senate Bill 131 (Preserve Rail Easements).

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

The Committee plans to continue its study of rail and public transportation issues, and report again to the 1993 General Assembly.

## **X. ETHICS, LOBBYING, AND ELECTIONS**

### **ETHICS AND LOBBYING ISSUES**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. 2.6  
(SB 259-Daniel; HB 1058-Luebke)

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### **ETHICS AND LOBBYING ISSUES**

The Committee on Ethics and Lobbying Issues met three times and will meet again in the fall after the 1992 Short Session.

At its initial meeting in February, the Committee reviewed the charge to the Committee and the bills that led to the study. The Committee discussed current North Carolina ethics laws, ethics laws in other states, and the North Carolina Board of Ethics. The Committee also received comments from representatives of State and local governments on the issue of whether there is a need for the adoption of a uniform ethical code for State and local governmental officials and employees.

At its March meeting, the Committee discussed suggestions for an ethics bill. The Secretary of State and various lobbyists discussed the implementation and effects of the 1991 changes to the law governing lobbyist regulation. The Committee also discussed whether persons who lobby the executive branch of State government should be regulated.

At its third meeting in April, the Committee continued its consideration of the issue of whether there is a need for the adoption of a uniform ethical code for governmental officials and employees. The executive directors of the ethics commissions in Massachusetts and Ohio presented the history, organization, duties, strengths, and weaknesses of their respective Commissions and State ethics acts. The Committee heard from State government legislative liaisons on the question of whether the law governing lobbying and lobbyists should be expanded to cover lobbying in the General Assembly by State departments, agencies, and boards.

The Committee will not report to the 1992 Session of the 1991 General Assembly. The cochairs plan to appoint a subcommittee to develop proposals for the committee to consider and discuss when it reconvenes in the fall.

### **METHODS TO IMPROVE VOTER PARTICIPATION**

**Authority:** 1991 Session Laws, Chapter 754, SB 917, Sec. (2.1)(65)

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**METHODS TO IMPROVE VOTER PARTICIPATION**

The LRC Committee on Methods to Improve Voter Participation was appointed in the fall of 1991.

The Committee met five times. It heard from several officials and observers of the elections process, including Alex K. Brock, Executive Secretary-Director of the State Board of Elections; Secretary of State Rufus Edmisten; leaders of three statewide organizations of county elections officials; and Mr. Ran Coble, Executive Director of the N.C. Center for Public Policy Research.

After an examination of the record of voter participation (North Carolina ranks low among the states in turnout, and state and national turnout have declined in the past 30 years), the Committee turned to the proposals to remedy the problem. Without rejecting other possible solutions, the Committee voted to recommend the following to the 1992 Short Session:

- \* Voter Registration by Mail, effective July 1, 1993. The applicant would sign a mail-in form under oath, subject to felony prosecution. The applicant would mail it by the 30th day before the election. The application would be granted only if a notice to the voter was not returned twice as undeliverable.
- \* Improved Motor Voter, effective on July 1, 1993. The changes would include the ex officio appointment of all drivers license examiners as special registration commissioners, the merger of drivers license applications and voter registration applications into one detachable form, and the requirement that DMV registrations be subject to the regular preelection registration deadline.
- \* Three-Week Registration Deadline, effective July 1, 1993. The registration deadline for voting in an election would move from 21 working days (four weeks) before an election to 16 working days (three weeks) before an election.
- \* Satellite Voting Precincts for Elderly or Disabled, effective January 31, 1993. The State Board of Elections would be given the authority to approve county board proposals to permit voting by elderly or disabled voters at certain sites convenient to them within their precinct in addition to the regular voting place in their precinct.
- \* Equipment to Assist the Voter Whose Vision or Hearing Is Impaired, effective July 1, 1992. A \$1,000 appropriation would allow the State Board of Elections to purchase TDD equipment for to assist the voter whose vision or hearing is impaired.
- \* Mandated Voter Registration Drive, effective January 31, 1993. The State Board of Elections would be required to initiate a month-long voter registration drive every even-numbered year. Every county board would be required to participate.
- \* Commission to Plan Statewide Registration System, Study Campaign Regulation, effective July 1, 1992. A statutory commission (the "North Carolina Commission to Improve Voter Participation") would be created to design a system of Statewide Computerized Voter Registration and decide where the system would be housed administratively. The 15 members would be appointed by Governor, Speaker, and President Pro Tem. The people who conduct elections at the county level would be guaranteed representation on the Commission. The Commission would also be charged with studying the reform of North Carolina's campaign regulation laws.

The recommendations are incorporated in two bills:

1. A BILL TO BE ENTITLED AN ACT TO IMPROVE VOTER PARTICIPATION.
2. A BILL TO BE ENTITLED AN ACT TO PROVIDE ASSISTANCE TO THE VOTER WHOSE HEARING OR SIGHT IS IMPAIRED.

The LRC at its meeting on May 7, 1992, reviewed this Committee's report and accepted it for transmittal to the 1992 Regular Session of the 1991 General Assembly.

## **XI. STATE GOVERNMENT PERFORMANCE AUDIT**

### **STATE GOVERNMENT PERFORMANCE AUDIT**

**Authority:** Created by Cochairmen of the LRC pursuant to G.S. 120-30.17(1)

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**STATE GOVERNMENT PERFORMANCE AUDIT**

The Cochairmen of the Legislative Research Commission, pursuant to G.S. 120-30.17(1), created this Committee to help and advise the Legislative Services Commission in conducting the performance audit of State Government mandated by Section 83 of Chapter 689 of the 1991 Session Laws.

The Legislative Services Commission has engaged the KPMG Peat Marwick firm to conduct the initial phase of the State government performance audit. The Committee is overseeing the work of Peat Marwick. Phase I of the Audit is focusing on the State's major management systems specifically identified in the authorizing legislation as follows:

- Planning, Budgeting and Program Evaluation.
- Personnel Management.
- Purchasing Operations.
- Information Technology.
- Organization and Staffing.

Members of the Government Performance Audit Committee have been working directly with the Peat Marwick team to evaluate current management practices and identify opportunities to restructure and reform State operations. All branches of State government are being evaluated.

In addition, Phase I will include the development of a financial model for long-term fiscal analysis (10 years). All Phase I work is on schedule and will be completed well in advance of the 1993 Session of the General Assembly.

Phase II of the audit, which will begin shortly, will focus specifically on program areas and major departments and agencies. In identifying issues for Phase II, Peat Marwick's work and input from committee members, legislators, state officials and state employees has provided considerable insight into areas that need to be evaluated.





