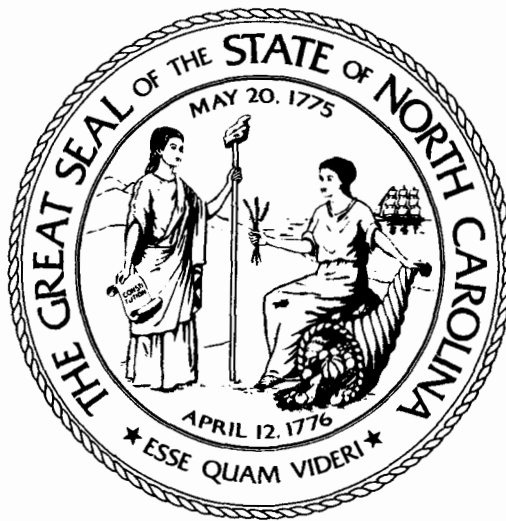


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**LEGISLATIVE RESEARCH
COMMISSION ACTIVITIES
1993-94 BIENNIUM**



SUMMARIES

**REPORT TO THE
1995 GENERAL ASSEMBLY
OF NORTH CAROLINA
1995 SESSION**



North Carolina General Assembly

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January 11, 1995

TO THE MEMBERS OF THE 1995 GENERAL ASSEMBLY:

The Legislative Research Commission directed its staff to prepare a report outlining the work of its committees during the 1993-94 biennium. This report contains a brief summary of each committee's progress and describes the number of committee meetings, subjects studied, findings and recommendations.

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

Sincerely,

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 items to be studies. The Commission, under G.S. 120-30.17(9) referred some studies authorized to be conducted by the Commission to other State agencies. The indication of each study's disposition begins on page 25.

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.

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.

§ 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 January 15 of the next odd-numbered year. No moneys appropriated to the Legislative Research Commission may be expended for meetings of the Commission, its committees or subcommittees held after January 15 of the next odd-numbered year and before the appointment of the next Legislative Research Commission.

§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.

§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.

§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.

§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.

§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.

§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.

1993 - 1994

TABLE OF AUTHORIZED LEGISLATIVE RESEARCH COMMISSION STUDIES

The following is a list of the topics which were funded by the Legislative Research Commission to be studied pursuant to G.S. 120-30.17(1), topics which were not funded, and topics referred to another agency or commission for study pursuant to G.S. 120-30.17(9). Except where otherwise indicated, the original bill or resolution which outlines the scope of the particular study is incorporated by reference in unratified H.B. 1319, second edition. In deciding which topics to study during the 1993-94 beinnium, the Legislative Research Commission used as a basis the provisions of unratified House Bill 1319, second edition, 1993 Session; and Chapter 771 of the 1993 Session Laws, ratified H.B. 1319. 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 1994 Session of the 1993 General Assembly or the 1995 General Assembly, or may make an interim report to the 1994 Session of the 1993 General Assembly and a final report to the 1995 General Assembly.

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Adult Guardianship	Rep Gottovi	HB 451	Hovis	31
All-Terrain Vehicles Licensing and Regulation ¹³	Rep Smith	HB 1006	Perry	124
Alcoholic Beverage Control	Rep Hensley	HB 1093	Carter	91
Alternative Schools	Sen Gunter	SB 1200	Thompson	52
Animal Residues, Develop- ment of Markets for ³	Sen Albertson	SB 956	Riley	106
Barrier to Meeting Human Services Needs because of Confidentiality Requirements Set Out in State and Federal Laws and Regulations ¹⁵	Sen W Martin	SJR 22	n/a	n/a
Bid Laws and Reciprocity ⁸	Rep Daughtry	HB 716	Powell	116

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Bingo ¹⁵	Rep Flaherty	HB 1190	n/a	n/a
Causes of Crime ¹⁵	Sen Forrester Rep Nesbitt	SB 150	n/a	n/a
Cemetery Commission and the Regulation of Cemeteries in the State ¹⁵	Rep Hill	HB 1320	n/a	n/a
Certificates of Participation ⁸	Sen Sherron	SB 739	Powell	116
Child Care	Rep Rogers Sen Walker	HB 213 SB 89	Sabre	66
Day Care Rates	Sen Richardson Rep Easterling	SB 1505		
Child Support	Rep Diamont Sen W Martin	HB 272 SB 314	Marshbanks	69
Chiropractic Care	Rep Stamey Sen Odom	HJR 1309 SJR 1156	Watson	80
Chiropractic College in NC, Need to Establish a ¹⁵	Rep Black Sen Conder	HB 224 SB 223	n/a	n/a
Commercial Nets on Fish and Shellfish Stocks and their Estuarine Habitats, Effects of the use of ¹²	Rep Richardson	HJR 1282	Evans-Stanton	122
Comprehensive Transportation Funding ¹³	Sen W Martin	SB 165,166	Perry	124
Constitutional Review ¹⁵	Sen Lee	SB 21	n/a	n/a
Consumer Protection:			Watson	33
Advisability of Protecting Purchasers of Used Motor Vehicles and of Extending Warranties to the Sale or Lease of Used Motor Vehicles	Rep Beall	HJR 1324		

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Consumer Protection Issues	Rep Spears Rep Easterling	HJR 1303 HB 1453		
Health and Fitness Club Issues	Rep G Thompson	HJR 714		
Residential Property Disclosure Act	Rep Hensley	HB 1032		
Rental Vehicle Insurance	Rep Stamey	HB 798		
Corporate Annual Report Filing Requirement and the Business License Information Office ¹⁵	Rep Wilkins Sen Plexico	SB 1505	n/a	n/a
Criminal Law:			Rose	35
Criminal Case Disposition	Rep. Michaux Sen Soles	HB 127 SB 250		
Cultural Resources:			Dail	42
Disposition of Public Historic Structures	Rep Colton	HJR 1447		
Historic Preservation Crafts Training in NC	Rep Colton	HJR 1426		
African-American Cultural Center	Sen Jordan	SB 1262		
Driver Education Program in Public Schools ^{1, 5}	Rep Diamont Rep Nesbitt Sen Daniel Sen Plyler	SB 27	Thompson	111
East Carolina University School of Medicine's Potential Scope and Focus for the Next Decade ¹⁴	Rep Gamble	HJR 1389	n/a	126
Economic Impact of Rules	Sen Sherron	SB 1261	CochraneBrown92	
Education Support Services ⁵	Rep Fussell Sen W Martin	HB 11 SB 13	Thompson	111

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Educational Neglect ²¹	Sen Perdue	SB 1281	Thompson	111
Election Laws Review ²² :			Gilkeson	44
Alternate Election System	Rep Luebke	HJR 1397		
Election Laws Review	Sen Basnight/ Lee	SB 21		
Voter Registration	Rep Michaux	HB 778		
Emergency Cardiac Care ¹¹	Rep Green	HJR 805	n/a	120
Emergency Management:			Riley	98
Disaster Relief Volunteer Protection	Rep Redwine Sen Hoyle	HB 1283 SB 1192		
Emergency Mgmt. Issues	Rep Hightower Sen Parnell	HB 88 SB 75		
Employment Procedures:			Timmons	83
Alternative Approaches to Deal with Discrimination in Employment	Rep Kennedy	HB 54		
Model Employment Termina- tion Act	Rep Beall	HB 384		
Energy Conservation and Use of Renewable Energy Sources	Rep Bowman Sen Plexico	HJR 104,105 SB 337	Iddings	56
Environmental Justice ¹⁹	Rep Fitch	HB 1423	Givens	112
Exactions	Rep Richardson Sen Conder	HB 1413 SB 1181	Perry	95
Extraterritorially Zoned Areas, Representation of ¹⁵	Rep Ellis	HJR 1284	n/a	n/a

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Family Issues:			Marshbanks	70
Divorce Education Program for Couples with Children	Rep Alexander	HB 1148		
Equitable Distribution	Rep Easterling	HJR 1452		
Family Law Reform	Rep R Thompson Sen Perdue	HJR 705 SJR 993		
Farm Camps for Troubled Youth ¹⁵	Rep Nesbitt Sen Odom	SB150	n/a	n/a
Farmland Preservation Enabling Act, including Dairy Farmer Economic Issues ³	Rep Colton	HJR 1060	Riley	106
Fiscal Trends and Reform:			Avrette	25
Alternative Revenue Sources for State Government	Sen Kaplan	SB 1268		
Business Tax Credits for Purchases of Recycled Products	Rep Gottovi	HB 1132		
Fiscal Trends and Reform Issues	Rep Diamont Sen Perdue	HB 267 SB 194		
Highway Expenditures to Agencies other than DOT ¹	Rep Diamont Rep Nesbitt Sen Daniel Sen Plyler	SB 27		
Issues Relating to Pilot Programs	Rep Ramsey	HJR 1319		
Unfunded Mandates to Counties and Cities	Rep Joye	HB 433		
Fletcher-Jeralds Omnibus Health Reform Act of 1993 ⁹	Sen Daniel	SB 554	n/a	117
Gerontology Institute, Develop a Proposal for NC ¹⁷	n/a	n/a	n/a	126
Health Care Reform ⁹	Sen Daniel	SB 1293	n/a	117

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Immunity from Negligence	Rep Nye/Jeffus	HB 242	Reagan	37
Information Technology ⁸	Rep Bowman Sen Sherron	HB 172 SB 741	Powell	116
Insurance Fraud ²³	Rep Griffin	HB 1745	Jones	40
Juvenile Code	Rep Hensley	HJR 1429	Carter	72
Mandating District Courts to Transfer Jurisdiction of Juveniles Who Commit Serious or Violent Felony Offenses to Superior Court ²⁵		HB 39		
Law Officer Conduct Review System ¹⁵	Sen Richardson	SB 683	n/a	n/a
Legal Research ⁷	Sen W Martin	SB 1092	n/a	114
Legislative Compliance Review ⁸	Sen Perdue	SB 395	Powell	116
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Marine Sciences Programs, Evaluate All ¹⁷	n/a	n/a	n/a	126
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Medicaid Eligibility Req.	Sen Marshall	SB 1251		
Medical Malpractice Injury Compensation ¹⁵	Sen Ballance	SJR 1159	n/a	n/a
Mental Health: ²²			Mims	77
Health Care Insurance Coverage for Chemical Dependency	Rep Alexander	HJR 1411		

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Minority Males	Sen W Martin	SB 1236	Johnson	49
Mortgage Bankers and Mortgage Brokers, Law Regulating ¹⁵	Rep Smith/ Rep Brubaker	HB 464	n/a	n/a
Mountain Area Study	Rep Crawford Sen Hyde	HB 117 SB 85	Pickett	58
Municipal Electric Utility Systems ²⁰	Sen Perdue	SB 190	Rose	127
North American Free Trade Agreement Impact on NC ¹⁵	Sen Kaplan	SB 1271	n/a	n/a
Partnership for Quality Growth	Sen Sherron	SB 736,737	Johnson	100
Physical Fitness Among Youth	Sen Warren	SB 443	Barnes	47
Placement of Felons 16 Years of Age or Older in Private Correctional Facilities ¹⁵	Rep Ellis Sen Daniel	SB 150	n/a	n/a
Poultry Mortalities, Recycling and Composting ³	Rep James	HB 421	Riley	106
Property Owners' Assoc. Act, Need for a ¹⁵	Rep R Thompson	HB 919	n/a	n/a
Public Assistance Direct Act ¹⁵	Rep Spears	HB 1022	n/a	n/a

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State Personnel	Rep Fitch Sen Johnson	HB 196 SB 119		
Temporary Employment in the State	Rep Holt	HB 1351		
Public Employees Retirement:			CochraneBrown	87
Early Retirement Penalty for Members of the Teachers' and State Employees' Retirement System	Sen Harris	SB 1264		
Firefighter Benefits	Sen Sherron	SB 1266		
Professional Firefighters Early Retirement Incentives	Rep Hensley	HB 1033		
Public Health: ²⁵			Young	79
Lead Hazard Mgmt. Pro.	Rep Moore	HB 623		
Public Health Program Organization	Rep Blue Sen W Martin	HB 289 SB 298		
Public Health Study	Sen Cooper	SB 69		
Public School Finance ¹⁵	Sen Perdue	SB 1505	n/a	n/a
Public Transportation and Railroads ¹³	Rep Luebke	HJR 1225	Perry	124
Recovery Care Centers and Their Role in Developing a System of Affordable, Quality Health Care ¹¹	Rep Richardson Sen Parnell	HJR 1434 SJR 1172	n/a	120
Recreational Hook-and-Line Fishing License in Coastal Fishing Waters and Use of Commercial Nets ¹⁰	Rep Bowman	HB 1156	n/a	119

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Reducing the Legal Limit of Blood Alcohol from 0.10 to 0.02 for 18 to 20 Year Olds While Driving a Motor Vehicle ¹⁵	Rep Easterling	HB 366	n/a	n/a
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Restitution Policy as Part of Criminal Justice System ^{15, 16}	Rep Michaux	HB 1035	n/a	n/a
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School of Science and Mathematics, Study Constituent Status of ¹⁷	Sen Perdue	SB 1280,1282	n/a	126
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¹ Incorporated in SL93-321, SB 27.

² Referred to the NC Study Commission on Aging by the LRC.

³ Referred to the Agriculture and Forestry Awareness Study Commission by the LRC.

⁴ Referred to the Courts Commission by the LRC.

⁵ Referred to the Joint Legislative Education Oversight Committee by the LRC.

⁶ Referred to the Environmental Review Commission by the LRC.

⁷ Referred to the General Statutes Commission by the LRC.

⁸ Referred to the Joint Legislative Committee on Governmental Operations by the LRC.

- 9 Referred to the North Carolina Health Planning Commission by the LRC.
- 10 Referred to the Marine Fisheries Commission by the LRC.
- 11 Referred to the Medical Care Commission by the LRC.
- 12 Referred to the Joint Legislative Commission on Seafood and Aquaculture by the LRC.
- 13 Referred to the Joint Legislative Transportation Oversight Committee by the LRC.
- 14 Referred to the UNC Board of Governors by the LRC.
- 15 Study not funded by the LRC.
- 16 NC Sentencing and Policy Advisory Commission to study restitution policy, SL93-535, HB 1035.
- 17 HB 1319, second edition, if ratified, would have directed the UNC Board of Governors to conduct this study.
- 18 HB 1319, second edition, if ratified, would have directed the Joint Legislative Commission on Seafood and Aquaculture to conduct this study.
- 19 HB 1319, second edition, if ratified, would have directed the Environmental Review Commission to conduct this study.
- 20 HB 1319, second edition, if ratified, would have directed the Joint Legislative Utility Review Committee to conduct this study.
- 21 HB 1319, second edition, if ratified, would have directed the Joint Legislative Education Oversight Committee to conduct this study.
- 22 The LRC committee on this subject was abolished and the independent commission was reauthorized by Chapter 771 of the 1993 Session Laws, ratified HB 1319.
- 23 Authorized by Chapter 22 of the 1994 Extra Session, HB 39, §29.
- 24 Created pursuant to GS 120-30.17(1) and LRC Rule 1 by the LRC cochairs.
- 25 The LRC committee on this subject was abolished and the independent commission was created by Chapter 771 of the 1993 Session Laws, ratified HB 1319.

1993 - 94 TABLE OF STUDIES

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(Studies created pursuant to G.S. 120-30.17(1); unratified H.B. 1319, second edition, except as otherwise indicated)

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D. Highway Expenditures to Agencies other than DOT (SL93-321, §169, S.B. 27)		
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	C. Health and Fitness Club Issues (H.J.R. 714 - G. Thompson)	
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	Unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers, authorized this LRC study. However, Chapter 771 of the 1993 Session Laws, ratified HB 1319, abolished the LRC study and reestablished the independent Election Laws Review Commission.	
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PART I. SUMMARIES OF LRC STUDY COMMITTEES

I. BUDGET AND REVENUE GROUPING

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Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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FISCAL TRENDS AND REFORM

The Fiscal Trends and Reform Committee met once during the 1993-94 biennium on January 19, 1994. At that meeting, the Committee looked at two of the trends that will potentially impact the State's budget dramatically in the 1990s: Smart Start and public school enrollment. Other trends the Committee recognized included State employee salary increases and health care cost increases, AFDC and aid for the elderly, Medicaid, and corrections. The Committee chose not to make a report to the 1995 General Assembly.

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REVENUE LAWS STUDY COMMITTEE

The Legislative Research Commission's Revenue Laws Study Committee met twice before the 1994 Session. The Committee recommended five bills in the interim report to the 1994 Session of the 1993 General Assembly. All five of these recommendations were enacted in 1994, although some were modified before enactment. The titles of the acts are:

1. AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DETERMINING CERTAIN TAXABLE INCOME AND TAX EXEMPTIONS AND TO RESOLVE AN UNINTENDED CONFLICT BETWEEN THE STATUTE OF LIMITATIONS FOR CERTAIN TAX REFUNDS AND THE LAW ALLOWING DEDUCTIONS FOR CARRYBACKS, BAD DEBTS, AND WORTHLESS SECURITIES.
2. AN ACT TO CONFORM THE THRESHOLD FOR DETERMINING IF A PENALTY APPLIES TO AN UNDERPAYMENT OF WITHHELD STATE INCOME TAXES TO THAT USED UNDER THE INTERNAL REVENUE CODE FOR DETERMINING IF A PENALTY APPLIES TO AN UNDERPAYMENT OF WITHHELD FEDERAL INCOME TAXES, AND TO CLARIFY THE TYPE OF INFORMATION A TAXPAYER MUST PROVIDE TO THE SECRETARY OF REVENUE.
3. AN ACT TO RESOLVE A CONFLICT IN THE DEALER LICENSE PLATE LAW CONCERNING THE USE OF DEALER LICENSE PLATES ON VEHICLES USED BY A DEALER IN A BUSINESS THAT IS SEPARATE

FROM THE BUSINESS OF SELLING MOTOR VEHICLES, AND TO PROVIDE THAT A REGISTRATION CARD ISSUED FOR A DEALER PLATE IS NOT REQUIRED TO BE SPECIFIC FOR THAT DEALER PLATE.

4. AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE ADMINISTRATION OF THE SOFT DRINK EXCISE TAX, AND TO EXTEND THE SUNSET OF A TAX CREDIT, TO AMEND THE LAW REGARDING APPLICATION FOR CERTIFICATION AS A CLINICAL SOCIAL WORKER, TO RESTORE THE SOFT DRINK TAX EXEMPTION FOR NATURAL JUICE WITH NO ADDITIVES OTHER THAN VITAMINS, MINERALS, OR SUGAR, AND TO MAKE THE EFFECTIVE DATE OF CHANGES MADE DURING THE 1993 SESSION TO THE CONSUMER CREDIT SALE LAWS RETROACTIVE.

5. AN ACT TO ADDRESS MOTOR FUEL TAX EVASION.

The Revenue Laws Study Committee held four meetings after the 1994 Session, including a two-day meeting in November. The Committee was inundated with requests from legislators, taxpayers, the Department of Revenue, and interest groups to study numerous issues of tax policy and tax administration. The Committee investigated and adopted many proposals to give tax relief. These recommendations are reflected in Legislative Proposals 1, 4, 5, 8, 9, and 12. The Committee investigated many proposals recommended by the Department of Revenue and others to improve tax administration. The most significant recommendation in this area is Legislative Proposal 13, which changes the point of taxation for gasoline and diesel fuel to the terminal rack. The purpose of this proposal is to remove opportunities to evade taxes and to establish a system that can be more easily administered. North Carolina is particularly vulnerable to motor fuel tax evasion because its motor fuel tax rate is 22¢ a gallon compared to 16¢ a gallon in South Carolina and 7.5¢ a gallon in Georgia. The proposal is expected to generate an additional \$28 million a year in revenues without increasing the motor fuel tax rates. Legislative Proposals 1, 3, 7, and 11 also reflect the Committee's recommendations on how to improve tax administration. They include recommendations on the inheritance tax laws, the sale of loose cigarettes, the repeal of the special use tax on construction equipment brought into this State, transporter plates for special mobile equipment, and salvage title transfers. Finally, the Committee addressed numerous technical changes that need to be made to the revenue laws. Legislative Proposal 14 contains the Committee's recommendations for technical changes. The committee's recommendations to the 1995 General Assembly are:

1. AN ACT TO INCREASE THE CLASS A INHERITANCE TAX CREDIT, TO REDUCE THE INHERITANCE AND GIFT TAX RATES FOR CLASS B AND C BENEFICIARIES, TO CONFORM NORTH CAROLINA INHERITANCE AND GIFT TAX PROVISIONS TO FEDERAL ESTATE AND GIFT TAX PROVISIONS REGARDING QUALIFIED TERMINABLE INTEREST PROPERTY, AND TO MAKE OTHER INHERITANCE TAX CHANGES.
2. AN ACT TO REVISE THE CONTROLLED SUBSTANCE EXCISE TAX.
3. AN ACT TO PROHIBIT THE SALE OF LOOSE, UNPACKED CIGARETTES.
4. AN ACT TO AMEND THE DEFINITION OF HOLDING COMPANY FOR FRANCHISE TAX PURPOSES TO PROVIDE THAT A MINOR ONE-YEAR FLUCTUATION IN INCOME DOES NOT DISQUALIFY A COMPANY AS A HOLDING COMPANY AND TO ANNUALLY ADJUST THE MAXIMUM FRANCHISE TAX ON HOLDING COMPANIES BY AN AMOUNT EQUAL TO THE PERCENTAGE INCREASE OR DECREASE

IN STATE PERSONAL INCOME DURING THE MOST RECENT 12-MONTH PERIOD.

5. AN ACT TO REDUCE THE CORPORATE INCOME TAX.
6. AN ACT TO PROVIDE UNIFORM TAX TREATMENT OF NORTH CAROLINA OBLIGATIONS AND FEDERAL OBLIGATIONS.
7. AN ACT TO REPEAL THE SPECIAL USE TAX ON CONSTRUCTION EQUIPMENT BROUGHT INTO THE STATE.
8. AN ACT TO EXEMPT FROM SALES AND USE TAX TANGIBLE PERSONAL PROPERTY THAT IS MANUFACTURED OR PURCHASED FOR RESALE BY A WHOLESALE MERCHANT OR A RETAILER AND THEN DONATED TO A NONPROFIT ORGANIZATION TO BE USED FOR A CHARITABLE PURPOSE.
9. AN ACT TO EXEMPT FROM SALES AND USE TAX FREE SAMPLES OF PRESCRIPTION DRUGS DISTRIBUTED BY THE MANUFACTURER.
10. AN ACT TO REPEAL THE INTANGIBLES TAX EFFECTIVE WITH THE 1994 TAX YEAR, TO DISTRIBUTE REVENUE TO COUNTIES AND CITIES FOR PUBLIC SCHOOLS AND INFRASTRUCTURE, AND TO REPEAL EXISTING INCOME TAX PREFERENCES FOR NORTH CAROLINA DIVIDENDS.
11. AN ACT TO ALLOW SPECIAL MOBILE EQUIPMENT DEALERS TO USE TRANSPORTER PLATES ON THE EQUIPMENT IN CERTAIN CIRCUMSTANCES AND TO PROVIDE A HIGHWAY USE TAX EXEMPTION AND A REDUCED TITLE FEE FOR THE TRANSFER OF A WRECKED MOTOR VEHICLE FROM AN INSURANCE COMPANY TO THE PERSON WHO OWNED THE VEHICLE WHEN IT WAS WRECKED.
12. AN ACT TO LOWER THE MINIMUM HIGHWAY USE TAX.
13. AN ACT TO ADDRESS MOTOR FUEL TAX EVASION BY CHANGING THE POINT OF TAXATION OF GASOLINE AND DIESEL FUEL.
14. AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.
15. A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE TO STUDY THE REVENUE LAWS OF NORTH CAROLINA.

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

II. CIVIL AND CRIMINAL LAW GROUPING

ADULT GUARDIANSHIP COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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ADULT GUARDIANSHIP

The LRC Study Committee on Adult Guardianship met a total of five times. The Committee heard from a variety of agencies and organizations including the Administrative Office of the Courts, the Department of Human Resources, the N.C. Association of Local Health Directors, Area Mental Health Authorities, Departments of Social Services, the Lifeguardianship Program, the Corporate Guardianship Program, Carolina Legal Assistance, the North Carolina Alliance for the Mentally Ill and others.

In the course of its discussions, the Committee learned that due to the aging of the State's population, the increase in person's with AIDS, and the maturing of children with developmental disabilities, the number of adults requiring guardians is increasing at an alarming rate. The appointment of public agent guardians has increased at an average rate of 20% per year over the past six years.

The Committee believed that the current statutory provision for the appointment of guardians should be maintained. This includes the statutory provision giving priority to individuals and non-profit corporations in the appointment of a guardian. If an individual or non-profit corporation cannot be found, only then should a public agency be appointed. The Committee found, however, that funding has not been available to promote the use of individuals and corporations as guardians. Also, local human resources agencies have generally not received adequate funding from local governments to serve as public agency guardians.

The Committee recommended that the State provide some funding for guardianship services. The Committee also found that, of the local human resources agencies, only county departments of social services are prepared to serve as public agency guardians. Local health departments and area mental health authorities should no longer be appointed as public agent guardians.

The Committee recommended the following legislation:

A BILL TO BE ENTITLED AN ACT TO SUPPORT THE APPOINTMENT OF FAMILIES AND INDIVIDUALS AS GUARDIANS, TO SUPPORT THE EXPANSION AND DEVELOPMENT OF PRIVATE NON-PROFIT CORPORATIONS AS GUARDIANS, TO PROVIDE THAT LOCAL DEPARTMENTS OF SOCIAL SERVICES BE THE ONLY LOCAL HUMAN RESOURCES AGENCY TO SERVE AS GUARDIANS, TO APPROPRIATE FUNDS FOR GUARDIANSHIP SERVICES, AND TO MAKE OTHER CHANGES.

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

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CONSUMER PROTECTION

The Consumer Protection Study Committee met five times during the course of its study. The dates of those meetings were: January 21, 1994, September 28, 1994, October 18, 1994, November 17, 1994, and December 8, 1994. The lengthy time elapsed between the first and second meetings is attributable in large part to the intervention of the 1994 Special Session (the Crime Session) and the 1994 Short Session (1993 General Assembly, Regular Session 1994).

At its first meeting the Committee reviewed the bills referred to it for its study, and heard two additional proposals for the Committee's consideration. During the course of its study, the Committee acted on five of the six bills referred for study, and also acted on the proposal to regulate check cashing businesses and the proposal to enact a manufactured homeowner's bill of rights.

The Committee recommended that the following legislation be enacted by the 1995 General Assembly.

1. AN ACT TO REGULATE CHECK CASHING BUSINESSES.
2. AN ACT TO ESTABLISH THE RESIDENTIAL PROPERTY DISCLOSURE ACT.
3. AN ACT TO ESTABLISH A BILL FOR RIGHTS FOR OWNERS OF MANUFACTURED HOMES.
4. AN ACT TO ESTABLISH PRIORITY FOR PAYMENT OF LIABILITY CLAIMS FOR RENTAL CARS UNDER CERTAIN CIRCUMSTANCES.
5. AN ACT TO ESTABLISH A PERMANENT, INDEPENDENT CONSUMER PROTECTION STUDY COMMITTEE.

The Committee studied but did not recommend legislation regarding the enactment of a used car lemon law. The Committee found that consumers do have problems with respect to the sale of used cars, but that there is likely to be a less restrictive way of addressing those problems than to require warranties. The Committee further recommended that this issue be studied by the permanent consumer protection study, if that study is established by the General Assembly.

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

CRIMINAL LAW COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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CRIMINAL LAW

The Committee met six times beginning January 1994 to study all aspects of criminal law, and specifically, the matter of criminal case disposition. The Committee heard testimony and considered proposals from trial lawyers, district attorneys, and the appellate defender before appointing a subcommittee to consider alternatives to the current calendaring system. The subcommittee met twice, and its recommendations were adopted and modified at the December meeting of the Committee. The Committee held its final meeting on January 4, 1995 to adopt its final report to the Legislative Research Commission. In its report, the Committee on Criminal Law recommends the following bill:

**A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CALENDARING
AUTHORITY FOR CRIMINAL CASES IN SUPERIOR COURT TO THE
SENIOR RESIDENT SUPERIOR COURT JUDGE.**

This bill transfers from the district attorneys' offices to the Senior Resident Superior Court Judge the authority and responsibility for calendaring criminal matters to be heard in Superior Court. The transfer becomes effective July 1, 1996.

**THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY
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IMMUNITY FROM NEGLIGENCE COMMITTEE

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IMMUNITY FROM NEGLIGENCE

During its seven meetings and as a result of hearing from over 38 speakers, the Immunity from Negligence Study Committee learned a great deal about liability and immunity. The Committee found that our tort system has evolved from a long history dating back to England, and that the current issues are complex with far reaching effects. It was found that the law has become an intricate maze of local, state and federal law, created by sometime inconsistent legislative action and ever changing case law.

While attempting to fulfill its charge of studying immunity from liability including the coordination of existing statutes, immunity of governmental employees and immunity of volunteers, the Committee determined that there was no standard policy or practice found consistently in the law, including a lack of uniformity between governmental units, and the liability of the governmental unit, its public officials and its employees.

In examining the various immunities found in the statutes, three general types of immunity were identified: governmental immunity, volunteer immunity and private immunity. The Committee found that there was lack of consistency within the statutes not only between these different types of immunities, but also within each type of immunity. The Committee initially decided to hear the various problems with our current law and try to agree on some overriding principals to be applied when consideration is given to granting or revoking immunity protection. But as the Committee got better educated on the problems, it became clear that the issues were more complex and required more time to study than the Committee had available.

Included in this review were the issues of child protective services worker liability and immunity, the public's right and ability to recover for damages suffered as a result of state and local governments negligent acts and the negligent acts of their employees, and the personal liability risks of governmental employees arising from negligent acts occurring in the scope and course of their employment.

The Committee also heard comments on four non-governmental immunity issues including a request for granting qualified immunity to professional engineers who voluntarily provide services without compensation in declared emergency/disaster situations, immunity to volunteer EMS medical directors, limited immunity to private landowners who open their lands to others without compensation for hunting, fishing or other recreational or educational purposes, and limited liability for horseowners who operate riding and boarding stables.

The Committee decided to attempt to draft legislation which would try to strengthen and create uniformity in the areas of:

- The public's right and ability to recover for damages arising from the negligent acts of both state and local governments and employees; and
- The duty of State and local governments to defend and indemnify their employees from tort liability claims arising in the scope and course of the employees' jobs.

After hearing comments from state and local government officials, a state employees representative, social services representatives and others on the Committee's subcommittee drafts of a Local Government Liability Act, a State Employees Liability Act and a State Tort Liability Act, the Committee decided that the issues were too complex and interwoven to be comprehensively addressed in the limited time available to the Committee. Accordingly the Committee decided to propose legislation to continue the study of these issues by an independent study committee made up of a broader base of people representing the various parties involved and affected by governmental liability and immunity. The Committee also decided to recommend legislation on the more narrow issues of tightening the State's duty to defend state employees, authorizing the State to self-insure state employees excess liability

coverage, defending child and adult protective services social workers and foster care social workers as state employees, granting immunity to volunteer EMS medical directors, and granting qualified immunity to professional engineers who voluntarily provide services without compensation in declared emergency/disaster situations.

At the request of the Courts Commission, the Committee considered the question of the liability of registers of deeds arising from the Torren title registration statute, and determined that the liability was no greater than that arising from other duties of the registers of deeds, and no action was needed.

In its final report the Committee on Immunity from Negligence recommends the following bills to the 1995 Session of the General Assembly:

1. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE AND LOCAL GOVERNMENT TORT LIABILITY AND IMMUNITY STUDY COMMISSION. This bill would authorize the continuation of the study by a more diverse group with expertise in this area.
2. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CREATION OF SELF-INSURANCE TRUST FUNDS TO PROVIDE PROFESSIONAL LIABILITY INSURANCE COVERAGE FOR STATE EMPLOYEES. This bill would authorize the State to self-insure excess liability coverage for state employees in order to reduce the cost of this insurance.
3. A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROVIDING FOR THE DEFENSE OF STATE EMPLOYEES FROM TORT CLAIMS ARISING IN THE SCOPE OR COURSE OF THEIR EMPLOYMENT. This bill would require the State to provide for the defense of its employees from tort liability claims in most cases and to pay any resulting judgments up to the Tort Claims limit.
4. A BILL TO BE ENTITLED AN ACT REQUIRE THE STATE TO DEFEND COUNTY CHILD PROTECTIVE SERVICES SOCIAL WORKERS, ADULT PROTECTIVE SERVICES SOCIAL WORKERS AND FOSTER CARE SOCIAL WORKERS FROM LIABILITY ARISING FROM THE PERFORMANCE OF THEIR OFFICIAL DUTIES. This bill would require the State to provide for the defense of these social workers from tort liability claims, and to pay any resulting judgments, as if these workers were state employees.
5. A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT UNPAID VOLUNTEER MEDICAL DIRECTORS FOR EMERGENCY MEDICAL SERVICES (EMS) AGENCIES ARE INCLUDED UNDER THE GOOD SAMARITAN STATUTE. This bill grants immunity to volunteer EMS medical directors for tort liability arising from services they provide to a local EMS agency without compensation.
6. A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY TO PROFESSIONAL ENGINEERS WHO VOLUNTARILY, WITHOUT COMPENSATION, PROVIDE ENGINEERING SERVICES DURING EMERGENCIES. This bill grants limited immunity to professional engineers who provide professional services without compensation at the request of governmental officials in declared emergency or disaster situations.

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

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INSURANCE FRAUD

The Insurance Fraud Study Committee, authorized after the 1994 session, did not meet.

III. CULTURAL RESOURCES AND ELECTION LAW GROUPING

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Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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CULTURAL RESOURCES

The LRC Study Committee on Cultural Resources met five times. Three of those meetings were held at locations across the State. The October meeting was held in Wilmington, where the Committee received comments from members of the community on the need for an African-American museum and cultural center; the Wilmington residents also expressed their belief that Wilmington was uniquely suited to be the site for such a facility.

Two meetings were held at historic sites and cultural attractions in an effort to understand some of the issues to be addressed in establishing an African-American museum and cultural center. In November, the Committee convened at Somerset Place State Historic Site in Creswell for a tour of the site. The members then travelled to Manteo to conduct the Committee meeting and to tour the Outer Banks History Center and the Elizabeth II State Historic Site. In December, the Committee visited the Thomas Wolfe Memorial in Asheville, then conducted its meeting at the YMI Cultural Center in Asheville.

The Committee concluded that the citizens of North Carolina and visitors to the State would benefit from a center that documents the heritage and culture of African-Americans in the State and commemorates the major contributions made by African-Americans to North Carolina and the nation. Therefore, the Committee recommends the passage of legislation establishing a reserve for the partial funding of the capital costs of a center for the promotion of African-American heritage and culture. This legislation would establish an African-American Heritage and Culture Advisory Committee to accept and evaluate proposals from non-profit corporations and to advise the Governor on the expenditure of funds in the reserve. No funds would be released until the Governor approved a specific proposal and a minimum local match was available for the project.

The Committee also recommends legislation addressing the demolition of old school buildings. One proposed bill would provide for the North Carolina Historical Commission to receive a copy of the costs and feasibility analysis that any local school board is currently required to provide to the State Superintendent when considering the replacement of an existing school building. The second proposed bill would establish a Study Commission on the Disposition of Public School Buildings, which would recommend methods of encouraging local boards of education to renovate old school buildings instead of replacing them, methods of promoting private sector uses for old school buildings, and any other means of avoiding the demolition of old school buildings.

The Committee report contains the following recommended legislation:

1. A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RESERVE FOR STATE ASSISTANCE TO A CENTER FOR THE PROMOTION OF AFRICAN-AMERICAN HERITAGE AND CULTURE IN NORTH CAROLINA AND TO ESTABLISH AN AFRICAN-AMERICAN HERITAGE AND CULTURE ADVISORY COMMITTEE.
2. A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL BOARDS TO PROVIDE THE NORTH CAROLINA HISTORICAL COMMISSION WITH NOTICE OF PLANS TO REPLACE OLD SCHOOL BUILDINGS BY SUBMITTING THE FEASIBILITY AND COST ANALYSES FOR REVIEW BY THE COMMISSION.

3. A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDY COMMISSION ON THE DISPOSITION OF OLD PUBLIC SCHOOL BUILDINGS.

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

ELECTION LAWS REVIEW COMMITTEE (Abolished)

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers. However, Chapter 771 of the 1993 Session Laws, ratified HB 1319, abolished the LRC study and established the independent Election Laws Review Commission.

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ELECTION LAWS REVIEW COMMISSION

The LRC Study Committee on Election Laws Review was appointed in December of 1993. Its charge was to study the election laws with a view to rewriting them generally. In particular, the Committee was to consider changes in voter registration, in campaign finance, and in methods of electing public officials. The full Committee met three times (not counting the work of subcommittees) during early 1994 and voted to recommend the following bills to the Short Session:

1. A BILL TO BE ENTITLED AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH CAROLINA. This bill is a comprehensive approach to compliance with the National Voter Registration Act of 1993.
2. A BILL TO BE ENTITLED AN ACT TO AMEND THE CAMPAIGN LAWS TO ELIMINATE THE DIFFERENCE IN POST-PRIMARY REPORTING BY PRIMARY LOSERS AND WINNERS.
3. A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT INFORMATION TO BE REPORTED CONCERNING CAMPAIGN CONTRIBUTORS SHALL INCLUDE OCCUPATION, EMPLOYER'S NAME, AND BUSINESS ADDRESS; AND TO PROHIBIT SALE OR USE OF CAMPAIGN

FINANCE REPORTS FOR SOLICITATION OR COMMERCIAL PURPOSES.

4. **A BILL TO BE ENTITLED AN ACT TO AMEND THE CAMPAIGN LAWS TO LIMIT THE EXEMPTION FROM REPORTING THE NAMES OF SMALL CONTRIBUTORS SO THAT IT APPLIES ONLY TO CONTRIBUTORS WHO ARE INDIVIDUALS.**
5. **A BILL TO BE ENTITLED AN ACT TO CHANGE THE LIMITATIONS PERIOD FOR VIOLATIONS OF THE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES LAWS.**

The Cochairs of the Study Committee (along with others) introduced all five proposals as companion bills in House and Senate during the 1994 Short Session. The first legislative Proposal was ratified as Chapter 762 of the 1993 Session Laws. It was ratified with amendments but in a form not radically different from the Study Committee's recommendation. By the beginning of 1995 all but a small portion of the bill had been precleared under the Voting Rights Act to go into effect. The fourth legislative proposal was ratified as Chapter 744 of the 1993 Session Laws in a form substantially the same as the Study Committee recommendation. The other three Legislative Proposals were not enacted, although they became vehicles for several amendments and generated a broad debate on the subject of campaign finance reform.

The LRC Study Committee expired when a bill to create an independent Election Laws Review Commission was ratified.

IV. EDUCATION GROUPING

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Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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PHYSICAL FITNESS AMONG YOUTH

The LRC Study Committee on Physical Fitness Among North Carolina Youth met three times during the course of its deliberations.

The Committee heard presentations from the Department of Public Instruction regarding the implementation of the healthful living curriculum, which includes planning guidelines for school cafeteria menus as well as physical education classes. The Department is working diligently to implement the federal Dietary Guidelines mandated by the 1994 Child Nutrition Reauthorization Legislation and has been successful to date. With regard to the physical education curriculum, the Department informed the Committee that the emphasis is on health-related behaviors and skills children and youth can take into adulthood rather than competitive, sports-based activities. The Department encouraged a reduction in the class size of physical education classes.

The Committee also reviewed the findings of comprehensive studies conducted by the University of North Carolina at Chapel Hill, which found that 26% of North Carolina children are obese due to low activity levels, and by Appalachian State University, which found that 90% of the students tested were in normal ranges of VO2 max (fitness levels), body fat, and cholesterol values though their diets are high in fat and sodium intake but low in fiber consumption. The studies also found that the health habits of parents have an impact on the physical fitness and activity levels of children and adolescents.

Finally, the Committee heard presentations from the North Carolina Alliance for Health, Physical Education, Recreation and Dance and from the Governor's Council on Physical Fitness and Health regarding a study conducted by the Council and North Carolina State University and the First Choice Program, a fitness intervention training program for at-risk youth. In addition, the Council submitted recommendations, including a recommendation that the size of physical education classes be consistent with other subjects by grade level.

The Committee recommended that the North Carolina State Board of Education be encouraged to consider reducing the maximum size of physical education classes and to reconsider the current policy of granting local school administrative units waivers of the maximum class size requirements for physical education classes and that the cochairs, on behalf of the Committee, submit a letter to the State Board of Education to that effect.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY
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MINORITY MALES

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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MINORITY MALES

The Study Committee on Minority Males met fifteen times from December 1993 through January 1995. The Committee did not file an interim report with the Legislative Research Commission.

After its organizational meeting, the Committee began efforts to assess the status of minority males in North Carolina. The Committee decided to concentrate on what impact education, criminal justice, economic and health factors have on minority males.

Representatives from the Department of Public Instruction, the Department of Human Resources, the Department of Crime Control and Public Safety, and the Public School Forum appeared before the Committee to address issues involving education and/or juvenile justice. Representatives from various other organizations appeared before the Committee to provide information about programs currently working with at-risk populations.

The Committee held three public hearings/meetings in Ahoskie, Fayetteville and Greensboro. At each location, local officials and community leaders appeared before the Committee to provide information pertaining to the status of minority males in their respective regions. The hearings afforded members of the public an opportunity to be heard. Many of the public persons appearing before the Committee represented community based organizations that target at-risk populations, particularly minority males.

In its final report, the Committee on Minority Males recommended the following to the 1995 Session of the General Assembly:

1. A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATUS OF MINORITY MALES COMMISSION. This bill would set up a Commission as indicated to continue the work of the 1993 LRC Committee on Minority Males.
2. A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BOARD OF GOVERNORS, THE STATE BOARD OF EDUCATION, THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE TEACHING FELLOWS COMMISSION TO STUDY HOW TO INCREASE THE NUMBER OF MINORITY TEACHERS IN PUBLIC SCHOOLS AND TO STUDY THE USE OF SCHOOL FACILITIES FOR COMMUNITY BASED ORGANIZATION ACTIVITIES.
3. A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMUNITY BASED PARTNERSHIP AND GRANT PROGRAM AND TO ESTABLISH A GRANTS INFORMATION NETWORK. This bill would establish grants for the creation of Community Based Partnerships at colleges, universities or community colleges. These Partnerships would provide support and technical assistance to community based organizations working at-risk populations and communities. Funding would be made available to the Partnerships for grant award to community based organizations that are not currently funded by the State. Those groups may use the grants for materials, supplies, transportations, meals, enrichment activities and stipends.

4. A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES, DIVISION OF YOUTH SERVICES TO STUDY AND DEVELOP PROPOSALS DESIGNED TO ENHANCE THE SUCCESS OF YOUTH RELEASED FROM JUVENILE CONFINEMENT FACILITIES.

The Committee also recommended that the 1995 General Assembly continue funding to educational initiatives that enhance the success of at-risk students. The Committee further recommended that due consideration be given to any legislative proposals that address concerns pertaining to (1) the adoption of minority children and (2) access to health care for minority communities, particularly children.

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UNC BOARD OF GOVERNORS APPOINTMENT PROCESS COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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UNC BOARD OF GOVERNORS SELECTION PROCESS

The Committee on the UNC Board of Governors Appointment Process met two times.

The Committee heard presentations on the history, structure, and functioning, of the Board of Governors. The Committee heard from members of the Board, from representatives of the Central Administration of The University of North Carolina and from Curtis Clark of GPAC, from which the inquiry came that served as the basis for the study.

The Committee determined that the appointment process by which the General Assembly elects all 32 members of the Board of Governors did not need modification.

The Committee recommended the following legislation:

A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT FORMER LEGISLATORS WAIT TWO YEARS BEFORE SERVING ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, identical to Senate Bill 248 introduced in the 1993 Session of the General Assembly, be forwarded to the Legislative Research Commission and introduced in the 1995 Session of the General Assembly.

NOTE: THE MOTION TO ACCEPT THIS REPORT FOR TRANSMITTAL TO THE 1995 GENERAL ASSEMBLY FAILED TO PASS THE LEGISLATIVE RESEARCH COMMISSION ON JANUARY 11, 1995.

ALTERNATIVE SCHOOLS COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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ALTERNATIVE SCHOOLS COMMITTEE

Since May 1994 the Committee met October 20 and December 15, 1994 to hear more information and to discuss and formalize the findings and recommendations listed below. These findings and recommendations form the basis for the legislative proposal outlined below.

The Committee made the following findings:

1. Funding for Alternative Schools should be expanded.
2. Alternative Schools should serve at-risk students at all levels; have a well-defined mission; use multiple strategies including serving children in the standard classroom and in separate facilities and programs; have strong community involvement; have high expectations for staff and students; and have a strong program evaluation component;
3. The Intervention/Prevention program is an appropriate grant program to assist school units in developing alternative learning programs;
4. The Intervention/Prevention Grant Program allows counties to apply to use funds under the Program to create alternative learning programs but does not especially earmark funds for alternative learning programs only;
5. The Intervention/Prevention Grant Program requirement that grants may only be received by high crime areas may need to be more flexible in order that the maximum number of school units may apply for and receive grants in order to create alternative learning programs;
6. There is a lack of consistency in the placement and referral of students into alternative learning programs.

The Committee made the following recommendations:

1. The definition of alternative learning program under the Intervention/Prevention Program should be expanded.
2. All alternative learning programs which could include involuntary placement of students or placement in connection with suspension or expulsion should include a placement and referral process based on a model to be developed by the State Board of Education.
3. Alternative educators should have an opportunity to comment on and have input into the evaluation system that the Department and the State Board will use to evaluate the programs.
4. All alternative learning programs in the State should be evaluated by a model to be developed by the State Board and the Department.
5. An alternative educators group should be convened to determine the technical assistance and training needs of these educators.
6. Eight million dollars should be appropriated for alternative learning program grants only under the Intervention/Prevention Program.
7. Grant applicants may present varying incidences of juvenile crime in the area to be served and still be eligible for funding.
8. The work of the committee should be continued.

9. The committee recommended the following bill:
A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ALTERNATIVE SCHOOLS COMMITTEE OF THE LEGISLATIVE RESEARCH COMMISSION. This bill implements the recommendations of the Alternative School Committee and appropriate eight million dollars to be earmarked for alternative learning programs under the Intervention/Prevention Program. The bill also addresses issues concerning technical assistance and training, evaluation of programs, and placement and referral of students.

Section 1 amends the Intervention/Prevention Program to further clarify and define the purpose and goals of alternative learning programs and to require that if an alternative learning program funded under Intervention/Prevention could include the involuntary placement of students in the program or placement in connection with suspension or expulsion than the program shall include a process of placement and referral of students based on a model to be developed by the State Board of Education.

Section 2 amends G.S. 115C-238.47 to provide that local program administrators and educators will have an opportunity to comment on and receive information concerning how programs under the Intervention/Prevention program will be evaluated.

Section 3 amends Article 16 of Chapter 115C to add a new Part 9 on Alternative Learning Programs. G.S. 115C-238.50 would require that all alternative learning programs regardless of funding source would be subject to evaluation. G.S. 115C-238.51 would direct the Department to collect data to determine the success of alternative learning programs and to coordinate the efforts of program specialists to assist local programs. G.S. 115C-238.52 would require all alternative learning programs which could include the involuntary referral and placement of students, or placement in connection with suspension or expulsion to adopt a placement and referral process based on a model developed by the State Board.

Section 4 would direct the Superintendent of Public Instruction to convene the Alternative Educators Planning Group so it may determine the technical assistance and training needs of alternative educators and develop a plan for submission to the State Board of Education and the Joint Legislative Education Oversight Committee.

Section 5 would direct the State Board of Education to study issues of referral and placement of students into alternative learning programs and to develop and disseminate model procedures for use by local school units.

Section 6 appropriates 8 million dollars to implement alternative learning programs only under the Intervention/Prevention Program. Of these funds up to \$200,000 may be used by the Department to implement the act and for evaluation of the Intervention/Prevention Programs.

Section 7 modifies the award process for alternative schools under the Intervention/Prevention program by allowing grants to be awarded to units with varying incidences of juvenile crime.

The act would become effective July 1, 1995.

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

V. ENVIRONMENT GROUPING

ENERGY CONSERVATION AND USE OF RENEWABLE ENERGY SOURCES COMMITTEE

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ENERGY CONSERVATION AND USE OF RENEWABLE ENERGY SOURCES

The committee on Energy Conservation and Use of Renewable Energy Sources met eight times. The Committee reviewed the energy-related bills that were recommended to the 1993 General Assembly by the former Legislative Research Commission on Ways to Promote the Conservation of Energy and the Use of Renewable Energy Sources in Residential, Commercial, Industrial, and Public Facilities, but that had not been enacted. The Committee also considered the use of alternative fuels in motor vehicles in light of the requirements of States under the Clean Air Act Amendments of 1990, Pub. L. No. 101-549, 104 Stat. 2399, and the Energy Policy Act of 1992, 42 U.S.C. § 13201, et seq. (EPACT). Under EPACT, federal, state, local governments, and certain private fleet owners that operate fleets of light-duty vehicles within certain metropolitan areas will be required to purchase increasing numbers of alternative fueled vehicles in accordance with a prescribed schedule that begins in 1993 and extends through the year 2006. The Committee finds that energy conservation in buildings has the potential to save the State money and, at the same time, protect natural resources. Further, the use of alternative fuels reduces our dependence on foreign oil and protects air quality. The Committee recommends that (1) the Department of Administration, the Department of Commerce, the Department of Transportation, and the Office of the Governor establish a working group to plan for the State to meet its alternative fueled vehicle purchasing requirements pursuant to EPACT and to make periodic reports of its progress to the General Assembly and (2) the North Carolina Utilities Commission reduce its rates for electricity, natural gas, propane, and any other alternative fuel that is regulated by the Commission and purchased for the purpose of propelling motor vehicles. Further, the Committee recommends that the 1995 General Assembly enact the following legislative proposals:

1. A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ALTERNATIVE TRANSPORTATION FUEL LOAN FUND TO PROVIDE LOANS TO UNITS OF LOCAL GOVERNMENT IN ORDER TO PROMOTE THE USE OF ALTERNATIVE FUELS FOR VEHICLES.
2. A BILL TO BE ENTITLED AN ACT TO GRANT A CORPORATE TAX CREDIT FOR THE CONSTRUCTION OF AN ALTERNATIVE FUEL REFUELING OR RECHARGING FACILITY AND FOR INSTALLATION OF REFUELING OR RECHARGING EQUIPMENT AT A REFUELING OR RECHARGING FACILITY.
3. A BILL TO BE ENTITLED AN ACT TO REDUCE THE MOTOR FUEL TAX FOR ALTERNATIVE TRANSPORTATION FUELS.
4. A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE FACILITIES ENERGY CONSERVATION PROGRAM; TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO ENTER INTO ALTERNATIVE FINANCING AGREEMENTS FOR THE PURCHASE OF

ENERGY CONSERVATION PROJECTS; AND TO AUTHORIZE THE ISSUANCE OF BONDS THAT ARE SECURED BY AN INTEREST IN THE PROPERTY PURCHASED.

5. A BILL TO BE ENTITLED A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE TO STUDY WAYS TO PROMOTE ENERGY CONSERVATION AND THE USE OF RENEWABLE ENERGY SOURCES IN NORTH CAROLINA.

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MOUNTAIN AREA STUDY COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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MOUNTAIN AREA

The Legislative Research Commission's Mountain Area Study Committee met four times to consider issues pertaining to the need for increased planning and land use management in the State's mountain region.

As part of its deliberations, the Committee reviewed the Georgia comprehensive planning and growth management model. The Georgia model includes funding incentives for local governments which follow certain planning guidelines. The Committee determined that there is a need for voluntary incentive-based planning geared to the special needs of the State's mountain area counties, but differences between governmental roles in North Carolina and Georgia rendered the Georgia model less than optimal for the North Carolina mountain area. The Committee found, however, that the underlying incentive-based element of the Georgia model would be beneficial to the establishment and implementation of comprehensive county planning in Western North Carolina. Further, the Committee found that the Land Use Guidance System model for county comprehensive planning, when coupled with funding incentives, is the appropriate model for the State's mountain area.

The Committee recommended two specific pieces of legislation:

1. A BILL TO BE ENTITLED AN ACT TO PRESERVE THE SCENIC BEAUTY AND CULTURAL HERITAGE OF THE NORTH CAROLINA MOUNTAINS THROUGH INCENTIVE-BASED COUNTY PLANNING AND LAND USE MANAGEMENT AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR FUNDING INCENTIVES TO MOUNTAIN AREA COUNTIES THAT ADOPT PLANS AND ORDINANCES BASED ON THE STATE MODEL LAND USE GUIDANCE SYSTEM.
2. A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN NORTH CAROLINA MOUNTAIN COUNTIES WHICH IMPLEMENT THE STATE MODEL COUNTY PLANNING AND LAND USE MANAGEMENT

ORDINANCE FROM STATE WATER SUPPLY WATERSHED LAWS AND REGULATIONS.

Legislative Proposal #1 would create an incentive-based, voluntary land use management program for the mountain area counties based upon the Land Use Guidance System (LUGS) model. Legislative Proposal #2 would allow mountain counties which adopt the State LUGS-based planning model to opt out of coverage under the Water Supply Watershed Protection Act.

Without recommending specific legislation, the Committee found that:

1. Planning and growth in Western North Carolina deserves special attention because of the uniqueness of the mountain area;
2. State permits relating to development are not handled under "one umbrella," and the consolidation of permitting functions would be more efficient, provide for a permitting process that could be inter-related to statewide or regional planning, and allow for better communication between State agencies; and
3. The General Assembly should adequately fund the State's observance of "The Year of the Mountains."

In addition, Committee members resolved to cooperate in seeking the passage of the two Legislative Proposals and to advocate for future study of the State's mountain area.

NOTE: THE LEGISLATIVE RESEARCH COMMISSION DECIDED NOT TO ACCEPT LEGISLATIVE PROPOSAL #2, PERTAINING TO EXEMPTING MOUNTAIN AREA COUNTIES FROM STATE WATER SUPPLY WATERSHED LAWS AND REGULATIONS, AND ALL MATTERS PERTAINING TO THAT PROPOSAL.

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WATER ISSUES

The Water Issues Study Committee met five times. The Committee periodically reviewed the status of the proposed modifications to the watershed protection rules, the rules regarding the regulation and registration of interbasin transfers and the registration of water withdrawals, and the status of the legal procedures regarding the Virginia Beach pipeline. While the Committee also provided a forum for numerous other important issues, the Committee particularly focused on the following topics: the results and recommendations of the Albemarle-Pamlico Estuarine Study, the results and recommendations of the the North Carolina Coastal Futures Committee, the new federally mandated water testing rules and the fiscal impact those testing requirements are projected to have on small water supply systems, and the possibility of reclaiming wastewater and using that reclaimed water for applications that do not require drinking water supplies.

The Committee voted to recommend the following bills to the 1995 General Assembly:

1. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS FOR THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE SUMMER INTERNSHIPS AT THE WATER RESOURCES RESEARCH INSTITUTE. The bill appropriates twenty-five thousand dollars to provide summer internships at the Water Resources Research Institute. Students who receive the internships are to help identify and map North Carolina's water resources and help design and prepare a display of the State's water resources that may be used for educational purposes.
2. A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WATER ISSUES. The bill authorizes the Legislative Research Commission to study surface and ground water issues. The legislative proposal identifies a number of specific issues for study and authorizes study of any other issues relevant to the State's water resources.

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

STATE PARKS AND RECREATION AREAS COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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STATE PARKS AND RECREATION AREAS

The Study Committee on State Parks and Recreation Areas met once from January, 1994 through May, 1994, before filing its interim report with the Legislative Research Commission. Following the 1994 Session of the General Assembly, the Study Commission met three times.

At its initial meeting the Committee received an overview of the Parks and Recreation System in North Carolina and the status of parks legislation pending before the 1994 Session. The Committee heard the Division of Parks and Recreation's legislative initiatives for the 1994 Session, and the proposed plans for spending the \$35 million generated by the 1993 Parks Bonds issue. The Division expressed its continued interest in pushing for passage of the Park Authority and Park Fund Bill, Senate Bill 733, then pending before the House Appropriations Committee. The Committee also heard expressions of support for Senate Bill 733 from the four private interest groups and received a list showing local governments and other interest groups supporting the passage of the bill.

In its interim report, the Committee on State Parks and Recreation Areas recommended passage of Senate Bill 733, Park Authority/Park Fund. This bill would establish the Park Authority to handle the distribution of the funds in the Park Fund and would dedicate the State's portion of the deed excise stamp tax to the Recreation and Natural Heritage Trust Fund and the Park Fund to be used for state and local park, natural heritage and recreational purposes. The bill was modified and enacted in the 1994 Session as Chapter 772 of the 1993 Session Laws (1994 Regular Session) by deleting the Park Authority, modifying the distribution of Park Fund assets, and stating the intent of the General Assembly to appropriate annually to the Park Fund and the Natural Heritage Trust Fund an amount equal to the State's portion of the deed excise stamp tax.

After the 1994 Session, the Committee spent an extensive amount of time examining the situation and effect of the attempt by N.C. Granite Corp. to exercise its mineral rights to mine granite on Wolf Rock in Stone Mountain State Park. This included a review of the State Mining Act, the impact of mining on the Park, its visitors, flora and fauna, the State's property valuation procedure and condemnation authority, and an examination of the use of a severance tax on non-fuel minerals as a funding source for state parks and natural heritage preservation. The Committee also reviewed reports on: 1994 legislative actions affecting state parks; staffing disparities between Kerr Lake, Jordan Lake and Falls Lake State Parks; complaints and concerns of recreation vehicle owners about reservation systems and unlevel campsites; research on park entrance fees; a pilot project on carry-in/carry-out of solid waste in state parks; a proposed statewide river assessment; the statewide greenway program; the Division of State Park's policy on insect and disease control and its effect on adjacent timber owners; and recommendations on changes in the conservation and historical preservation laws and incentives for donations of conservation lands. The Committee also reviewed the Division of State Parks 1995-96 expansion budget requests and examined how those requests would impact on the issues and problems found by the Committee.

It was decided that many of the concerns found by the Committee could be addressed by administrative action, and proposed legislative action was only needed for appropriation request. The Committee also decided that the study of state parks and recreation areas needed to be continued.

In its final report the Committee on State Parks and Recreation Areas recommends the following non-legislative specific actions:

- That the Governor insure that all relevant state agencies be involved in the negotiation process to resolve the situation of mining on Wolf Rock in Stone Mountain State Park, and every effort be made to negotiate a settlement and prevent damage to the Park.
- That the issue of charging admission fees at state parks not be considered further at this time.
- That the General Assembly endorse the pilot project program for carry-in/carry-out solid waste disposal in six state parks with a 12-month design and education period, and a 12-month implementation period, to determine the benefits and costs of implementing such a program in all state parks.
- That the State participate in a statewide river assessment program and the Governor designate a "lead agency" to coordinate the State's participation in such an assessment.
- That the General Assembly enact a law that would make technical changes to various statutes to promote, encourage, and facilitate the creation and expansion of greenways across the State.

Also in its report the Committee on State Parks and Recreation Areas recommends the following bills to the 1995 Session of the General Assembly:

1. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF STATE PARKS AND RECREATION AREAS FOR STAFFING, SALARY, AND OTHER OPERATIONS. This bill recommends an appropriation of \$318,079 for seven and one-half new biologist positions for natural heritage inventories and management, \$402,310 for seasonal wage rate increases, \$1,279,288 for 24 new professional staff positions to provide for one professionally trained staff person on duty during all hours the parks are open to the public, \$8,750,000 to the State Parks and Recreation Area Trust Fund (equals Parks Trust Fund share of deed excise stamp tax), and \$1,300,000 to the Natural Heritage Trust Fund (equals Heritage Trust Fund share of deed excise stamp tax).

2. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DIVISION OF STATE PARKS AND RECREATION ENVIRONMENTAL EDUCATION PROGRAM. This bill recommends an appropriation of \$76,000 as the Division of State Parks portion of a total statewide request of \$1,557,146 request for environmental education programs.
3. A BILL TO BE ENTITLED AN ACT TO CREATE A STUDY COMMISSION ON STATE PARKS AND RECREATION AREAS. This bill would reauthorize and continue the Study Commission on State Parks and Recreation Areas.

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

VI. FAMILY AND JUVENILE LAW GROUPING

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Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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CHILD CARE

The 1993 Legislative Research Commission Study Committee on Child Care met three times prior to the 1994 Regular Session of the 1993 General Assembly, on February 1, 1994, April 16, 1994, and May 10, 1994, and four times after the 1994 Regular Session, on September 22, 1994, October 25, 1994, November 22, 1994, and December 20, 1994.

It made an interim report to the 1994 Regular Session.

The recommendations made to the 1993 General Assembly, Regular Session 1994 were as follows:

1. Enactment of Senate Bill 229/House Bill 202, AN ACT TO AID PARENTS OF LOW-INCOME CHILDREN NEEDING DAY CARE TO BECOME SELF-SUFFICIENT WITHOUT JEOPARDIZING THE VERY CHILD CARE THAT IS ESSENTIAL TO THIS SELF-SUFFICIENCY AND TO APPROPRIATE FUNDS. This bill, as introduced carried an appropriation of two million dollars for the 1994-95 fiscal year.
2. Enactment of AN ACT TO MANDATE CRIMINAL HISTORY AND CENTRAL REGISTRY HISTORY CHECKS OF ALL CHILD DAY CARE PROVIDERS. This bill carried an appropriation of eighty thousand dollars for the 1994-95 fiscal year.
3. Enactment of AN ACT TO MANDATE CRIMINAL HISTORY AND CENTRAL REGISTRY HISTORY CHECKS OF ALL FOSTER CARE PARENTS. This bill carried an appropriation of five hundred thirty-six thousand three hundred seventy dollars for the 1994-95 fiscal year.
4. Enactment of Senate Bill 230/House Bill 201, AN ACT TO CHANGE THE DAY CARE RATE PAYMENT STRUCTURE TO ENCOURAGE THE PROVISION OF QUALITY DAY CARE FOR ALL NORTH CAROLINA'S CHILDREN IN NEED OF CARE AND TO APPROPRIATE FUNDS. This bill, as introduced, carried an appropriation of thirteen million dollars for the 1994-95 fiscal year.

All four proposals were introduced but none passed, although the proposal on the rate structure did result in a special provision in the budget bill that targeted additional child care dollars to rural counties with a lack of available subsidized child care.

After the 1994 Regular Session, the Committee decided that, of the issues raised by these proposals, the following needed to be addressed by the 1995 General Assembly: criminal record checks for day care providers, increased eligibility thresholds for subsidized child care to benefit the families transitioning off welfare and the working poor, even if full funding for these increases could not be made, rate restructuring that would better deal with the problems faced by rural areas and others needing a better market rate/alternate rate provision to encourage the development of more quality child care and that would provide subsidy incentives for all child care providers to provide better quality care. In addition, the Committee decided to recommend the funding of statewide child care resource and referral funds.

The Committee made the following recommendations to the 1995 General Assembly:

1. Enactment of AN ACT RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION CHILD CARE COMMITTEE TO MANDATE CRIMINAL HISTORY CHECKS OF ALL CHILD DAY CARE PROVIDERS, TO STUDY THE USE OF THE CENTRAL REGISTRY ON CHILD ABUSE AND NEGLECT, AND TO APPROPRIATE FUNDS .

The bill appropriates \$126,645 for 1995-96 and \$287,865 for 1996-97 to the Department of Human Resources and \$11,882 for 1995-96 and \$47,562 for 1996-96 to the Department of Justice to administer the new law.

2. A. Enactment of AN ACT RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION CHILD CARE COMMITTEE TO INCREASE ELIGIBILITY LIMITS FOR CHILD CARE SUBSIDIES TO ENABLE FAMILIES TO RECEIVE CHILD CARE FOR LONGER AS THEY TRANSITION OFF WELFARE AND TO APPROPRIATE FUNDS.
B. Enactment of AN ACT RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION CHILD CARE COMMITTEE TO AID CERTAIN WORKING PARENTS OF LOW-INCOME CHILDREN WHO ARE NOT CURRENTLY RECEIVING CHILD CARE SUBSIDIES TO RECEIVE SUBSIDIES TO ENABLE THEM TO CONTINUE TO WORK AND TO APPROPRIATE FUNDS.

Both bills carry an appropriation of \$1,700,000 for each fiscal year of the 1995-97 biennium. The Committee acknowledged that this amount would not be near enough to fund Proposal 3 fully.

3. Enactment of AN ACT RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION CHILD CARE COMMITTEE TO ESTABLISH THE REQUIREMENTS FOR THE MONTHLY SCHEDULE OF PAYMENTS OF THE PURCHASE OF CHILD CARE SERVICES FOR LOW INCOME CHILDREN AND TO APPROPRIATE FUNDS.

The Committee decided to request no appropriation for this legislation because it believed that the cost savings, which could not be determined with existing data, may exceed the known cost. The Committee requested that the Division of Child Development do further research to determine the actual cost savings or costs for the proposals where no data is currently available. The Division will report its results to the appropriate committees during the 1995 General Assembly.

4. Enactment of AN ACT RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION CHILD CARE COMMITTEE TO APPROPRIATE FUNDS TO PROVIDE CHILD CARE RESOURCES AND REFERRAL SERVICES TO CERTAIN COUNTIES UNSERVED BY EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES THAT ARE CURRENTLY UNABLE TO USE ALL THEIR DAY CARE ALLOCATIONS.

This proposal carries an appropriation of \$1,000,000 for each fiscal year of the 1995-97 biennium.

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

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CHILD SUPPORT

The Child Support Study Committee is not reporting to the 1995 General Assembly.

FAMILY ISSUES COMMITTEE

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FAMILY ISSUES

The Legislative Research Commission's Committee on Family Issues met five times to study issues related to family law. The Committee reviewed the legislation referred to it for study, and acted on some but not all of those referrals. Referred to the Committee for study were legislative proposals related to: family law reform, divorce education for couples with children, and equitable distribution. The Committee recommends that the following legislation be enacted by the 1995 General Assembly:

1. AN ACT TO ALLOW INTERIM DISTRIBUTIVE AWARDS IN EQUITABLE DISTRIBUTION CASES.
2. AN ACT TO REQUIRE THAT CLAIMS FOR EQUITABLE DISTRIBUTION BE RESOLVED BEFORE A DIVORCE MAY BE GRANTED.
3. AN ACT TO AUTHORIZE DISTRICT COURT JUDGES TO SANCTION PARTIES TO EQUITABLE DISTRIBUTION PROCEEDINGS FOR PURPOSEFUL, PREJUDICIAL DELAY OF THE PROCEEDINGS.
4. AN ACT TO ESTABLISH A PILOT MEDIATION PROGRAM FOR EQUITABLE DISTRIBUTION UNDER THE ADMINISTRATIVE OFFICE OF THE COURTS.
5. AN ACT TO MAKE CHANGES IN THE LAWS PERTAINING TO ALIMONY.
6. A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE THE STUDY OF FAMILY LAW REFORM.

In addition, the Committee recommended that the General Assembly continue to study whether post separation income from and appreciation in value of marital property should itself be considered marital property and therefore subject to equitable distribution.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 226 STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

JUVENILE CODE COMMITTEE

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JUVENILE CODE COMMITTEE

The Committee met seven times beginning February, 1994 to study the Juvenile Code to determine whether it needs amending or complete rewriting. The Committee focused most of its work on juvenile justice issues and other issues related to delinquent and undisciplined juveniles. The Committee heard testimony from the State Attorney General on the incidence of juvenile crime, and received additional information on chronic juvenile offenders and the juvenile justice system as a whole. The Division of Youth Services, the Administrative Office of the Courts, and the Institute of Government worked closely with the Committee by providing necessary data and information. The Committee met on January 3, 1995 to adopt its final report to the Legislative Research Commission. In its report, the Juvenile Code Committee recommends the following bills:

1. A BILL TO BE ENTITLED AN ACT...TO EXTEND THE PILOT PROGRAM ESTABLISHED UNDER THE ADMINISTRATIVE OFFICE OF THE COURTS REGARDING JUVENILE COURT JURISDICTION OVER JUVENILES BETWEEN SIXTEEN AND EIGHTEEN YEARS OF AGE WHO ARE BEYOND THE DISCIPLINARY CONTROL OF THEIR PARENTS AND TO CLARIFY THE SCOPE OF THE PROGRAM. In 1993 the General Assembly authorized a pilot program to examine the feasibility of raising the age limit for undisciplined juveniles from 16 to 18 years. This bill would extend the sunset on the pilot from April 1, 1995 to April 1, 1997 and would clarify that the pilot applies to runaway juveniles and those beyond disciplinary control of their parents.
2. A BILL TO BE ENTITLED AN ACT...TO ALLOW COURTS TO ORDER PSYCHIATRIC OR PSYCHOLOGICAL TREATMENT OF PARENTS OF JUVENILES ADJUDICATED DELINQUENT, UNDISCIPLINED, ABUSED, NEGLECTED OR DEPENDENT AT THE DISPOSITIONAL HEARINGS OR SUBSEQUENT HEARINGS AND TO PROVIDE FOR NOTICE. This bill expands the court's authority to order treatment of the

parent in circumstances other than the removal of the juvenile from the juvenile's home.

3. A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MAXIMUM PERIOD OF TIME A JUVENILE MAY BE COMMITTED IN ACCORDANCE WITH STRUCTURED SENTENCING. Current law provides that a juvenile cannot be committed to training school for a longer period of time than an adult can be sentenced for the same offense. Due to the range of sentence possible under the Structured Sentencing Act, there is a need to clarify the maximum period of time a juvenile may be committed to training school.
4. A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE JUVENILE CODE. The Committee determined that it would need additional time to conduct a full and comprehensive study of the Juvenile Code, and recommends that the Study be continued until 1997.

In addition to its original charge, the Committee was authorized by The Crime Control Act of 1994 to study the issue of whether district courts should be mandated to transfer jurisdiction of juveniles who have committed certain serious or violent felony offenses to Superior Court for trial as in the case of adults, and to study the issue of the proper age of juveniles mandatorily transferred to Superior Court for trial. The Committee determined that for offenses other than Class A felonies the decision regarding the transfer of jurisdiction for a juvenile offender should remain with the District Attorneys and the Court, and makes no recommendation for change at this time.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 226 STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

VII. HEALTH AND HUMAN RESOURCES GROUPING

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Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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MEDICAID

The Legislative Research Commission Study Committee on Medicaid met a total of five times, on April 21, 1994, September 15, 1994, October 27, 1994, November 14, 1994, and December 13, 1994.

The Committee was established out of concern that, under Medicaid law existing at the time, it was possible that people with resources could so transfer or give these resources away as to enable them to qualify for Medicaid long-term care and pay nothing, rather than use their resources to pay for their care, even though Medicaid was clearly designed to meet the medical needs of people without resources.

After the establishment of the Committee, the federal Omnibus Budget Reconciliation Act of 1993 (OBRA 1993) became effective. It put certain requirements into law that responded to all the Medicaid eligibility issues raised in the authorizing legislation, including mandating that all states have a Medicaid estate recovery plan. At the first meeting of the Committee, the Committee decided that OBRA 1993 had indeed handled most of the concerns that had caused the creation of the Committee by attacking both asset transfers and asset giveaways to qualify for Medicaid long-term care and that only one major issue remained, that of putting into place a Medicaid estate recovery plan, although the Committee would remain open to hear other Medicaid issues as they related to the elderly and disabled.

The special session on crime intervened and kept the Committee from having enough study time to evolve its own Medicaid estate recovery plan. It did provide the Division of Medical Assistance with its input as to what should be in the plan and then reviewed the plan as enacted by the short session to determine whether it needed to be changed. After its review, and after consideration of other issues affecting the elderly and disabled, the Committee made the following recommendations to the 1995 General Assembly:

1. No change in the Medicaid estate recovery law passed in the 1994 Regular Session of the 1993 General Assembly. No legislative proposal.
2. Close monitoring of the new rule of the Division of Medical Assistance, Department of Human Resources, regarding the exemption from Medicaid asset-eligibility "income-producing" property to ensure that inequities do not result from its application. No legislative proposal.
3. The enactment of A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID COVERAGE TO ALL ELDERLY AND DISABLED WITH INCOMES AT OR BELOW 100% OF THE FEDERAL POVERTY LEVEL AND TO APPROPRIATE FUNDS. Cost: \$5,432,087 for the last six months of the 1995-96 fiscal year and \$11,102,232 for the 1996-97 fiscal year.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 226 STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

MENTAL HEALTH COMMITTEE (Abolished)

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers. However, Chapter 771 of the 1993 Session Laws, ratified HB 1319, abolished the LRC study and reestablished the independent Mental Health Commission.

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MENTAL HEALTH

The Legislative Research Commission's Mental Health Committee created in 1993 was abolished through House Bill 1319 reauthorizing the Mental Health Study Commission. The Commission will conduct its final meeting on January 17, 1995.

In compliance with its legislative mandate, the Commission will compile a report for the Governor and the members of the General Assembly to include status reports and recommendations regarding the following topics: The implementation of five age-disability plans (Child and Adult Mental Health, Child and Adult Substance Abuse, and Developmental Disabilities); implementation of a quality improvement plan to increase accountability in the mental health system; implementation of recommendations regarding criminal offenders; implementation of funding initiatives to maximize the use of federal and private dollars to support mental health, development disabilities, and substance abuse services; and identification of effective model programs required to meet critical needs.

PUBLIC HEALTH COMMITTEE (Abolished)

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers. However, Chapter 771 of the 1993 Session Laws, ratified HB 1319, abolished the LRC study and established the independent Public Health Commission.

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PUBLIC HEALTH

After authorization by the Legislative Research Commission under authority of G. S. 120-30.17(1), the Committee on Public Health met on April 27, 1994, May 6, 1994 and May 13, 1994. From its deliberations, the Committee recommended the following bills to the 1993 General Assembly, Regular Session 1994:

1. A BILL TO BE ENTITLED AN ACT TO REGULATE LEAD ABATEMENT IN ACCORDANCE WITH FEDERAL LAW. The bill would have regulated lead abatement but would have applied only to those doing lead abatement under HUD grants. The bill was introduced in the Senate as SB 1611 and in the House as HB 1736. The bill did not pass.
2. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES TO MINIMIZE THE RISK OF INJURY TO CHILDREN WHO USE PUBLIC SWIMMING POOLS. The purpose of the bill is to authorize the Commission for Health Services to adopt rules to abate suction injury hazards at public pools. The bill was ratified as Chapter 732.

CHIROPRACTIC CARE COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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CHIROPRACTIC CARE

The Legislative Research Commission's Committee on Chiropractic Care met four times to study issues related to chiropractic care. During these meetings the Committee heard presentations on the scope, practice, and status of chiropractic care; the education and training requirements for the doctor of chiropractic degree and for North Carolina licensure; and the availability of chiropractic care in workers' compensation cases. The Committee also learned about the difficulties chiropractors encounter in obtaining privileges to practice in hospitals and in obtaining referrals and coverage for treatment of workers' compensation related injuries. As a result of its study, the Committee made the following findings and recommendations in its final report to the Legislative Research Commission for transmittal to the General Assembly:

1. The Committee found that the way in which some State agencies handle processing of workers' compensation claims violates G.S. 90-157.1, the statute providing that denial of patient access to chiropractic care is unlawful.
2. The Committee found that chiropractic care is cost-effective.
3. The Committee recommended that various chiropractic, medical, and hospital groups collaborate on ways to ensure that qualified, competent chiropractors are considered for admission to hospital practice.
4. The Committee recommended that the LRC continue its study of chiropractic care, and proposed legislation to accomplish this.
5. The Committee recommended that the Office of State Personnel study and report on the establishment of a uniform system for the administration of workers' compensation claims by State agencies.
6. The Committee recommended that the General Assembly appropriate adequate funds to State agencies for covering workers' compensation claims.
7. The Committee recommended the following legislation:
A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE THE STUDY OF CHIROPRACTIC CARE.

The Committee included in its report recently published clinical practice guidelines on treatment of acute low back problems in adults. The guidelines were established by the Department of Health and Human Services, Public Health Service.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 226 STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

VIII. LABOR AND PERSONNEL GROUPING

EMPLOYMENT PROCEDURES COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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EMPLOYMENT PROCEDURES

The Committee on Employment Procedures met seven times during the course of its deliberations to study and discuss the Model Employment Termination Act (META) and alternative approaches to deal with discrimination in employment. The Committee focused on its examination of the Model Employment Termination Act during its earliest meetings. Representatives from the National Conference of Commissioners on Uniform State Laws, the developers of the model act, explained the provisions of and need for the act from a national perspective. Attorneys from the North Carolina State Bar Association, N.C. Academy of Trial Lawyers, N.C. Association of Black Lawyers, and N.C. Associated Industries, as well as representatives of other interested groups and organizations presented comments, concerns, and observations on the model act and needs adherence to the employment-at-will doctrine.

With regard to the Model Employment Termination Act, the Committee determined that it could benefit from a thorough examination of the related legislation which has been introduced in ten other states across the country. The Committee also concluded that its deliberations could be enhanced by the presence of a representative from both the management and labor segments of private industry, as a part of its membership.

In examining the issue of alternative approaches to discrimination in employment, the Committee heard presentations from private industry, the legal academic area, the North Carolina Human Relations Commission, the local civil rights chapter, as well as State employees and privately employed workers. Although a broad range of issues were expressed, the following two in particular appeared to generate the greatest concern: (1) the grievance procedure for State employees as it involved the State Personnel Commission and Office of Administrative Hearings and (2) the role of the Attorney General's Office in representing State agencies in disciplinary or other employment proceedings against State employees--appeared to generate the greatest concern.

After receiving additional information in follow-up to the concerns raised at the public hearing, the Committee recommended that the 1995 General Assembly authorize a continuation of the Study, the two complex issues assigned could be more fully investigated and addressed. The Committee proposed the following legislation:

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE A STUDY OF EMPLOYMENT PROCEDURES.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 226 STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

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PUBLIC EMPLOYEES PERSONNEL

The Committee on Public Employees Personnel held a total of three meetings during the course of its deliberations. At its initial meeting, the Committee heard presentations from staff and received input from agencies and association representatives in an effort to identify specific concerns regarding the State Personnel System and temporary employment in the State.

The Committee first learned that the level and types of concern varied with the three distinct segments of temporary employment in the State: private temporary employment agencies, temporary employment within State government in general, and the temporary employment service operated out of the Office of State Personnel. The Committee determined that further clarification was needed in order to more clearly focus on this assigned issue.

At its second meeting, the Committee heard a task force report on expanding and administering flexible benefits for State employees. The Office of State Budget presented recommendations outlining a strategy for the development of a statewide flexible benefits program. The State Personnel Director updated the Committee on the status of the statewide Comprehensive Classification and Compensation Study authorized by the General Assembly. The report on the administration of Workers Compensation by State agencies estimated an increase in State workers' compensation cost to \$200,000,000 by the year 2000. It stressed the need to establish an automated system for processing claims and for having a line item in the budget specifically for workers' compensation payments. The results of a report on pay inequities and salary compression in State government were also presented.

The State Employees Association of North Carolina presented a request to increase the per diem travel allowance and to either remove or extend the sunset provision on flexible benefits for State employees, both of which were approved by the General Assembly during the 1994 Regular Session. The Committee also heard from several employees who expressed concern with the current grievance procedure for State employees who are subject to the State Personnel Act.

Finally, the Committee received follow-up information on the grievance process, from the Office of State Personnel and The University of North Carolina at Chapel Hill. Potential alternatives of a dispute resolution process, a statewide mediation pool, and various changes to make the grievance and appeals processes more user-friendly were explained. Also, copies of testimonies from State employees communicating concerns with personal safety issues based on their job duties and the types of clients they served were received for consideration.

The Committee recommended that the 1995 General Assembly: (1) modify the budget process to require that State agencies budget for workers' compensation in a separate line item and (2) authorize a continuation of the study of the State Personnel System by creating a study commission to more fully examine and address the issues in the following legislation:

A BILL TO BE ENTITLED AN ACT TO CREATE THE STUDY COMMISSION ON THE STATE PERSONNEL SYSTEM AND TO APPROPRIATE FUNDS TO THE STUDY COMMISSION, was proposed.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 226 STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

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PUBLIC EMPLOYEES RETIREMENT

The Committee on Public Employees Retirement met two times before making its interim report.

The Committee heard from the following individuals and representatives of the following groups: Dennis Ducker, Deputy State Treasurer and Director of the Retirement System Division of the Department of State Treasurer, Bob Berlam and Kristine Lanning of the State Employees Association of North Carolina.

In its interim report, the Committee on Public Employees Retirement recommended the following three bills to the 1994 Session of the 1993 General Assembly:

1. A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD FOR CALCULATING THE PENALTY FOR EARLY RETIREMENT. This bill would change the method for calculating the penalty for early retirement from an actuarial reduction to a reduction of five percent for each year by which the retirement date precedes the completion of 30 years of service or age 60, whichever is greater.
2. A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCREASE TO RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM. This bill would provide a three and one-half percent (3.5%) increase to all retirees whose retirement commenced on or before July 1, 1993, and a prorated increase to those who retired between July 1, 1993 and July 1, 1994.
3. A BILL TO BE ENTITLED AN ACT TO INCREASE THE RETIREMENT FORMULA WITH AN ADJUSTING INCREASE TO RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM. This bill would increase the accrual rate for both active and retired members from 1.71% to 1.73%.

Each of these provisions was enacted as part of the Appropriations Act, Chapter 769 of the 1994 Session Laws. The Committee did not meet again after the 1994 Session and did not make a final report.

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WORKERS' COMPENSATION COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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WORKERS' COMPENSATION

The Workers' Compensation Study Committee did not meet.

IX REGULATION GROUPING

ALCOHOLIC BEVERAGE CONTROL COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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ALCOHOLIC BEVERAGE CONTROL

The Committee on Alcoholic Beverage Control met four times.

The Committee heard presentations on the history of alcoholic beverage control in North Carolina; the difference between license and control states; the need for a more uniform system of issuing permits throughout the state; suggestions for enforcement of open container laws; suggestions for the regulation of eating establishments; and considered more than thirty modifications to Chapter 18B of the General Statutes as a result of concerns of the ABC Commission.

The Committee recommended the following legislation:

1. AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON ALCOHOLIC BEVERAGE CONTROL be forwarded to the Legislative Research Commission and introduced in the 1995 Session of the General Assembly.

The proposed legislation provides for: inclusion of limited liability companies in the ABC statutes; conforming the definition of unfortified wine to federal law; clear identification of officers enforcing ABC laws; clarification of jurisdictional authority of enforcement agencies hired by local ABC boards to enforce ABC laws; clarification of results of mixed beverage elections to provide an ABC store from which permittees may purchase liquor; provides that multiple fees may be charged for multiple permits; clarifies the definition of nonprofit organizations; provides for specific enforcement of prohibition of permittees possessing nontax stamped liquor; eliminates unused classifications; and simplifies the beer franchise law regulation.

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

ECONOMIC IMPACT OF RULES COMMITTEE

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ECONOMIC IMPACT OF RULES

The Economic Impact of Rules Study Committee met three times, following the 1994 Session of the General Assembly. At its first meeting, the Committee discussed the role of the Rules Review Commission in the administrative rulemaking process and whether that role could be strengthened. The Committee also discussed the possibility of requiring all State agencies subject to the rulemaking provisions of Chapter 150B of the General Statutes to determine and provide to the public an assessment of the economic costs and benefits of proposed rules. The Committee heard from the General Counsel of the Department of Environment, Health and Natural Resources regarding their efforts to establish a protocol for performing cost/benefit assessments of environmental rules, as well as the Counsel of the Alcoholic Beverage Control Commission who expressed serious concern about the difficulty such a requirement would create for her agency. Finally, the Committee heard from an economist with the Environmental Defense Fund, who cautioned the Committee to carefully consider the goal to be achieved before imposing a cost/benefit requirement on agencies.

At its second meeting, the Committee discussed the history of Article 2A of Chapter 150B and the constitutional issues raised by the delegation of quasi-judicial or quasi-legislative duties to the Rules Review Commission. The Committee then considered a variety of options dealing with strengthening the authority of the Rules Review Commission and improving the notice given to affected parties of a rule's potential impact. The Committee also heard from several organizations supporting the work of the Committee.

At its third meeting, the Committee reviewed the proposed final report and recommends the following legislation to the 1995 General Assembly:

1. A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO PREPARE AND PROVIDE TO THE PUBLIC A FISCAL ANALYSIS OF ALL PROPOSED RULES THAT HAVE A SUBSTANTIAL ECONOMIC IMPACT AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS REQUIREMENT.
2. A BILL TO BE ENTITLED AN ACT TO CREATE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE AND TO PROVIDE THAT NO ADMINISTRATIVE RULE SHALL BECOME EFFECTIVE UNTIL APPROVED BY THE GENERAL ASSEMBLY.
3. A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SENATE APPOINTMENTS TO THE RULES REVIEW COMMISSION SHALL BE MADE BY THE PRESIDENT PRO TEMPORE RATHER THAN THE PRESIDENT OF THE SENATE.
4. A BILL TO BE ENTITLED AN ACT TO REQUIRE AGENCIES TO BEGIN THE PROCESS OF ADOPTING A PERMANENT RULE BY PUBLISHING A NOTICE OF INTENDED RULE MAKING RATHER THAN PUBLISHING THE PROPOSED TEXT OF A RULE CHANGE.
5. A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE AUTHORITY OF THE RULES REVIEW COMMISSION TO DETERMINE THE NECESSITY OF A PROPOSED RULE.

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EXACTIONS COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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EXACTIONS

The LRC Exactions Committee met once, on April 19, 1994. This meeting was intended to introduce the Committee to the subject of exactions, and to solicit views of interested parties. The Committee heard from Richard Ducker of the Institute of Government, who gave an overview on exactions; Mike Carpenter of the Homebuilders Association; Cecil Kidd of the International Council of Shopping Centers; and Andy Romanet of the League of Municipalities.

The Committee made no recommendations to the 1994 General Assembly, did not meet again after the 1994 Session, and has no recommendations to the 1995 General Assembly.

TOBACCO WAREHOUSE COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

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TOBACCO WAREHOUSE

The LRC Tobacco Warehouse Committee was charged with the review of the statutes governing tobacco warehouse charges. The Committee met on February 1, 1994 and May 4, 1994 to review the issues.

In its review, the Committee heard from the numerous interest groups that would be affected by a change in tobacco marketing in the State. Based on the presentations made, the many changes that are occurring in the tobacco industry, and the real need of tobacco warehouse operators for additional revenues, the Committee determined that deregulation would be the most effective way to address this problem in the tobacco marketing system. The Committee voted to repeal the statutes limiting the amounts tobacco warehouse operators may charge for their services recommending to the 1994 Regular Session of the 1993 General Assembly:

A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATUTES LIMITING TOBACCO WAREHOUSE CHARGES.

The bill would have repealed G.S. 106-452, which limits the amount a tobacco warehouse operator may charge for his services, and G.S. 106-454, which provides that it is a Class 3 misdemeanor to charge in excess of the statutory amounts in G.S. 106-452 for tobacco warehouse services.

The report was accepted by the LRC at its May 23, 1994 meeting and transmitted to the 1994 Regular Session of the General Assembly. The recommended legislation, however, did not come out of committee in either house during the 1994 Session.

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X. STATE AND LOCAL GOVERNMENT GROUPING

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EMERGENCY MANAGEMENT ISSUES

The LRC Study Committee on Emergency Management Issues is charged with assessing the ability of the State's emergency management program to adequately address preparedness, response, recovery, and mitigation for technological and natural hazards that may impact North Carolina citizens and their property.

The committee met twice from January, 1994 to May 1994. These meetings focused on whether the General Assembly should fund a restudy of hurricane evacuations for coastal North Carolina. New data on storm surge heights and an increase in both the resident and tourist population have rendered obsolete the existing clearance times for the barrier islands. The Federal Emergency Management Agency and the U.S. Army Corps of Engineers are conducting the study with the assistance of the Division of Emergency Management. The total cost of the restudy is projected at \$1.7 million dollars and will take three years to complete. The Division of Emergency Management requested an appropriation of \$420,000 as the State's share of the \$1.7 million.

The interim report recommended \$420,000 funding for the restudy over a four year period. The Committee recommended a bill to the 1994 Regular Session appropriating the initial \$105,000 for fiscal year 1994-1995:

A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A HURRICANE EVACUATION RESTUDY OF COASTAL NORTH CAROLINA. The proposed appropriation was contained in the final budget bill, Senate Bill 1505, Chapter 769 of the 1993 Session Laws.

The Committee resumed its meetings in the fall spending a majority of its time reviewing the programatic needs of the Division of Emergency Management. Areas addressed included the Integrated Flood Observing and Warning System, the Radiological Emergency Preparedness program, the North Carolina Center for Missing Persons, and search and rescue operations. Attention was also directed to the issue of compensation for persons injured while performing volunteer service for the State. While no recommendations were made on the issue of compensation for injured volunteers, the Committee did propose legislation providing funding for additional staff for the Division of Emergency Management and the N.C. Center for Missing Persons. The following legislation was recommended:

A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL PERSONNEL FOR THE DIVISION OF EMERGENCY MANAGEMENT AND THE N.C. CENTER FOR MISSING PERSONS. The bill would appropriate a total of \$433,752, \$216,876 for each year of the biennium, to cover the salary and operational costs of the additional personnel.

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PARTNERSHIP FOR QUALITY GROWTH COMMITTEE

The Partnership for Quality Growth Committee met on November 29, 1994. The Committee reviewed the work of its predecessor, the 1991 LRC Statewide Comprehensive Planning Study Committee. The Committee also received comments on the concept of statewide comprehensive planning from various interested parties.

The Committee decided to recommend that the study of quality growth be continued. The Committee thought this was the best course since it had been difficult for the Committee to meet due to the length of both the 1994 Special Session and the 1994 Regular Session.

The Partnership For Quality Growth Committee recommended to the 1995 General Assembly the following legislative proposals:

1. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DEVELOPMENT OF INITIATIVES TO PROMOTE COMPREHENSIVE STATEWIDE PLANNING THROUGH A PARTNERSHIP FOR QUALITY GROWTH. This proposal would authorize the LRC to study quality growth pursuant to its authority.
2. A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PARTNERSHIP FOR QUALITY GROWTH. This proposal would establish an independent commission to study quality growth. The 30 member commission would be appointed by the Governor, the President Pro Tem and the Speaker.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 226 STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

STATE PURCHASING COMMITTEE

Authority: Created pursuant to G.S. 120-30.17(1); unratified HB 1319, second edition, 1993 Regular Session, which passed both chambers

LRC Member in Charge:

Sen. J. K. Sherron, Jr.
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Mr. Willis Holding, Jr.
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Sen. Luther Jordan, Jr.
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Sen. Ted Kaplan
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Mr. Phil Miller
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STATE PURCHASING

The LRC State Purchasing Committee met three times and appointed a subcommittee that met four times. The focus of the Committee was on the need to rewrite and update the State's purchasing laws, more oversight and control over Correction Enterprises and its expansion into new industries, and the manner in which contracts are awarded for furniture. The subcommittee produced a comprehensive revision of the State's purchasing laws, but decided that the revision would benefit from additional study next year and more in-depth review of the impact of GATT on State procurement laws, the upcoming recommendations of the disparity study on historically-underutilized businesses, and the GPAC recommendations.

The Committee is recommending the following five bills:

1. **AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY STATE PURCHASING.** This bill would allow the committee to continue its work on revising the State purchasing laws.
2. **AN ACT TO CREATE A STATE PROCUREMENT POLICY COUNCIL.** This bill would create a 7-member council with rule-making responsibility for State purchasing.
3. **AN ACT TO PROVIDE FOR THE AWARD OF STATE REQUIREMENTS CONTRACTS FOR FURNITURE.** This bill would establish a presumption that 3 or more awards should be made for furniture contracts unless the State Purchasing Officer can justify the use of a single award or two awards.
4. **AN ACT CONCERNING THE OPERATION OF CORRECTION ENTERPRISES.** This bill would give the legislature more control over the expansion of Correction Enterprises, create more oversight over operations of Correction Enterprises, limit furniture manufacturing expansion, and modify the State agency preference law for prison goods.
5. **AN ACT AUTHORIZING LIMITED PURCHASING OF GOODS AND SERVICES FROM NON-CERTIFIED SOURCES.** This bill would allow agencies under the State purchasing system to buy "off-contract" the same goods and services that appears on State term contracts if they can buy it cheaper locally and document the savings to the State.

THE FULL REPORT OF THIS COMMITTEE CAN BE OBTAINED BY CONTACTING THE LEGISLATIVE LIBRARY, ROOM 2126, 226 STATE LEGISLATIVE BUILDING, RALEIGH, NORTH CAROLINA 27611, TELEPHONE (919) 733-7778.

STATE-OWNED SUBMERGED LANDS

Authority: Created pursuant to GS 120-30.17(1) and LRC Rule 1 by the LRC cochairs.

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Ms. Eve Trow
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Mr. Haywood Weeks
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Mr. Claude Wheatley, Jr.
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**PART II. SUMMARIES OF REFERRALS TO AGENCIES AND
EXISTING STUDY COMMISSIONS**

I. AGING, NORTH CAROLINA STUDY COMMISSION ON

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Ms. Margaret Hardee
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Sen. R. L. Martin
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Sen. David R. Parnell
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Sen. James D. Speed
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NORTH CAROLINA STUDY COMMISSION ON AGING

The Commission on Aging was requested by the Cochairs of Legislative Research Commission to study issues related to long term care during the 1993-95 biennium.

Since its inception, the Commission has continued to bring to the attention of the General Assembly the growing need for a continuum of long term care services. The Commission again listened to testimony over a period of eight meetings from many groups and persons about the need to develop a more efficient and far-reaching service delivery system in this State for older adults so they are not pulled from their communities, families, and homes before it is necessary.

The Commission finds that the aging of the population in North Carolina and advanced medical technology have resulted in a growing number of older persons who require assistance and that there is a growing demand for improvement and expansion of home and community-based long term care services to support and complement the services provided by family and friends. The public interest could best be served by a broad array of long term care services that support persons who need such services at home or in the community whenever practicable and that promote individual autonomy, dignity and choice.

Unfortunately, the Commission finds that there is no clear policy statement or directive that guides State action in long term care. In its report to the 1995 General Assembly, the Commission is recommending specific language to be placed in the statutes that states the General Assembly's intent and purpose for long term care. The Commission is also recommending further action by the Commission that will translate this intent and purpose into concrete State action.

II. AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION**Senate Agriculture Committee Chair**

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House Agriculture Committee Chair

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AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION

The Agriculture and Forestry Awareness Study Commission met three times prior to the beginning of the 1994 Regular Session to study various issues affecting agriculture and the forestry industry in North Carolina, including the issue of recycling and composting of poultry mortalities into marketable products. Following the 1994 Session, the Commission met an additional three times.

At the initial three meetings both the North Carolina Contract Poultry Growers Association and the North Carolina Poultry Federation made presentations on the issue of recycling and composting of poultry carcasses, however no recommendation was made to the General Assembly at that time.

In the fall, the Commission resumed its consideration of the issue looking specifically at whether to provide a tax credit to persons constructing a composting facility to dispose of poultry mortalities. In its final report, the Agriculture and Forestry Awareness Study Commission recommended legislation that would provide such a tax credit. That legislation, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE COMPOSTING OF POULTRY CARCASSES AND PROVIDE AN INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES, would provide an income tax credit of up to 50% of the cost of the construction of a composting facility, not to exceed \$2,000. The projected fiscal impact of the bill is an annual loss of \$700,000 per year for the next five years.

III. COURTS COMMISSION**Governor's Appointments**

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NORTH CAROLINA COURTS COMMISSION

The Cochairs of the Legislative Research Commission requested the Courts Commission to study the liabilities of registers of deeds under the Torrens land registration system. The Commission heard from Mr. William Campbell of the Institute of Government at the University of North Carolina at Chapel Hill. Mr. Campbell explained that the Torrens system of land title registration is used significantly in only a few eastern counties. The Torrens system is designed to eliminate the need for the usual detailed title examination before each transfer of land. Under Torrens, the register of deeds keeps a continuous record of all transactions affecting the title to a piece of real property in a Registration of Titles book. Mr. Campbell explained that, as with all registers of deeds, whatever liability a register incurs for a mistake is covered by the register's bond and by errors and omissions insurance. In light of Mr. Campbell's remarks, the Commission voted not to make recommendations on this issue. Instead, the Commission recommended that the LRC Committee on Immunity From Negligence examine this issue.

IV. EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

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Sen. Paul S. Smith
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Sen. Marvin Ward
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Sen. Ed N. Warren
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Rep. Lyons Gray
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JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

In September 1993 the Cochairmen of the Legislative Research Commission requested the Joint Legislative Education Oversight Committee to study education support services, educational neglect, and driver education program. The Committee does not have a report on educational neglect or driver's education. The Committee will receive a report on driver's education at its January 1995 meeting.

Education support services was not studied by the Committee. However, it is noted that the 1994 extra session of the General Assembly did create and fund (i) the Intervention/Prevention Grant Program which provides grant money for education support service programs; (ii) Family Resource Center grants; and (iii) the Save Our Students (SOS) program.

V. ENVIRONMENTAL REVIEW COMMISSION

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Sen. Luther H. Jordan
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Environment and Natural Resources Committee Chair

Sen. Lura Tally
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Speaker's Appointments

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ENVIRONMENTAL REVIEW COMMISSION

Solid Waste Management

The Environmental Review Commission (ERC) was requested by the Cochair of the Legislative Research Commission to continue the study of issues related to the management of nonhazardous solid waste. The ERC has met thirteen times since the 1993 Session of the General Assembly adjourned, and has considered issues related to nonhazardous solid waste management at eleven of those meetings. Matters considered include:

1. Collection and recycling of certain recyclable materials at rest areas on State highways and at State parks.
2. Approval of the State's municipal solid waste landfill permitting program by the United States Environmental Protection Agency (EPA).
3. Condition of the Solid Waste Management Trust Fund.
4. Status of nonhazardous solid waste management efforts in the State; progress in meeting the State's 25% nonhazardous solid waste reduction goal.
5. Control of the flow of nonhazardous solid waste, including interstate commerce issues and waste ownership issues; pending litigation; bills pending in the United States Congress; relationship between facility permitting and flow control.
6. Federal and State government policies relating to promotion of recycling through procurement of goods and services and by other means and to promote waste reduction.
7. Role of local governments in the management of nonhazardous solid waste including the permitting of facilities.
8. Grant proposal by the Department of Environment, Health, and Natural Resources (DEHNR) to EPA to develop a Recycling and Reuse Business Assistance Center, and a subsequent progress report on the Center.
9. Implementation of advance disposal fees in the State of Florida.
10. Management of special and "hard-to-handle" wastes.
11. Report on the Environmental Partners Project of the National Conference of State Legislatures.

The ERC recommended three bills to the 1994 Regular Session of the General Assembly as follows:

1. HOUSE BILL 1973/SENATE BILL 1631, A BILL TO BE ENTITLED AN ACT TO PROVIDE STANDARDS FOR USE BY LOCAL GOVERNMENTS IN THE REVIEW OF APPLICATIONS FOR PERMITS OR FOR SUBSTANTIAL AMENDMENTS TO PERMITS FOR SANITARY

LANDFILLS IN ORDER TO ENSURE THAT LOCAL GOVERNMENT REVIEW OF PERMIT APPLICATIONS MEETS CONSTITUTIONAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

2. HOUSE BILL 1971, A BILL TO BE ENTITLED AN ACT TO IMPOSE A TAX UPON MOTOR OIL AT THE POINT OF FIRST SALE AND TO ESTABLISH THE USED OIL COLLECTION PROGRAM TO ENCOURAGE THE PROPER DISPOSAL OF USED OIL GENERATED BY PRIVATE CITIZENS WHO CHANGE THEIR OWN OIL, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
3. HOUSE BILL 1969, AN ACT TO IMPOSE A TAX UPON LEAD-ACID BATTERIES AND TO PROVIDE FOR THEIR DISPOSAL, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

House Bills 1969 and 1971 were referred to the House Finance Committee, and were subsequently postponed indefinitely. House Bill 1973 was ratified as Chapter 722 of the 1993 Session Laws (1994 Regular Session), A BILL TO BE ENTITLED AN ACT TO PROVIDE STANDARDS FOR USE BY LOCAL GOVERNMENTS IN THE REVIEW OF APPLICATIONS FOR PERMITS OR FOR SUBSTANTIAL AMENDMENTS TO PERMITS FOR SANITARY LANDFILLS IN ORDER TO ENSURE THAT LOCAL GOVERNMENT REVIEW OF PERMIT APPLICATIONS MEETS CONSTITUTIONAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Environmental Justice

The Cochairs of the Legislative Research Commission requested the ERC to study issues related to environmental justice as would have been authorized by House Bill 1319, second edition, if ratified. The ERC has met thirteen times since the 1993 Session of the General Assembly adjourned, and has considered issues related to environmental justice at nine of those meetings. The discussions have focused primarily on defining the nature and scope of the issue. The ERC received proposed legislation on this matter in May but declined to recommend a bill to the 1994 Regular Session of the General Assembly.

Wastewater Discharge Requirements at Public Schools

The Environmental Review Commission (ERC) was requested by the Cochairs of the Legislative Research Commission to study wastewater discharge requirements at public schools. The ERC took no action on this matter because the issues involved in this study appear to have been resolved administratively by the Department of Environment, Health, and Natural Resources.

VI. GENERAL STATUTES COMMISSION

Mr. Robert G. Byrd, Chair
Chapel Hill, NC

Mr. Fletcher L. Hartsell, Jr.
Concord, NC

Ms. Doris Bray, Vice Chair
Greensboro, NC

Ms. Susan Freya Olive
Durham, NC

Mr. Charles Lewis
Buies Creek, NC

Mr. Issac B. Covington, III
Winston-Salem, NC

Mr. Charles E. Smith
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Mr. Mack Sperling
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Ms. Annie Brown Kennedy
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Mr. John E. Davenport
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Mr. Deborah A. DeMott
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Ex Officio Secretary:
Floyd M. Lewis
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GENERAL STATUTES COMMISSION

The General Statutes Commission was requested to study the issue of computerized legal research; technology concerning computerized access to the General Statutes and administrative rules; and the feasibility, costs, and benefits of incorporating in the computerized databases documents incorporated by reference in the primary material.

The Commission discussed computerized legal research at several meetings and learned of other ongoing efforts to provide computerized access to State records generally. The North Carolina Department of Cultural Resources Advisory Committee on Electronic Records is studying virtually anything related to the management of the State's electronic public records, including the issue of incorporating documents by reference. The Governor and others are working to establish the North Carolina Information Highway, a statewide high-speed technology network which will make various information accessible through the State. The Department of Justice, with the technical assistance of the Office of State Budget and Management, is conducting a cost analysis, formulating an implementation plan, and developing a funding recommendation for the use of legal publications available of CD-ROM and the feasibility of developing a legal resource and legal research network.

Computerized access to the statutes and administrative rules of North Carolina is already available from commercial sources on CD-ROM. Serious questions exist about the practical, financial, and legal feasibility of compiling a database to provide computerized access to documents incorporated by reference into the statutes and rules.

A number of initiatives are now addressing the question of providing computerized access to State records generally. Some of these initiatives have been described above. Any further undertaking by the Commission would likely duplicate these ongoing efforts. Further, the comprehensive nature of some of these initiatives is the appropriated context in which the problem should be examined. The Commission has neither the resources nor expertise to conduct such a comprehensive study. For these reasons, the Commission believes that it should not explore the question further at this time.

A fuller account of the Commission's efforts is contained in the letter from the Commission to President Pro Tem Marc Basnight and Speaker Daniel T. Blue, Jr., dated January 6, 1995.

VII. GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE COMMITTEE ON

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JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

The Cochairs of the Legislative Research Commission requested the Joint Legislative Commission on Governmental Operations to study bid laws and reciprocity, certificates of participation, legislative compliance review, and information technology.

The Commission does not have a report on the issues of bid laws and reciprocity, certificates of participation, or legislative compliance review. However, a report was made on information technology in May 1994. See the Interim Report.

VIII. HEALTH PLANNING COMMISSION, NORTH CAROLINA

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Secretary C. Robin Britt Sr.
Department of Human Resources
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Deputy Director:
Ms. Pam Silbeman
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NORTH CAROLINA HEALTH PLANNING COMMISSION

Fletcher-Jeralds Omnibus Health Reform Act of 1993 and Health Care Reform

The North Carolina Health Planning Commission was for the purpose of developing a universal health care program to provide all North Carolina residents access to quality health care that is comprehensive and affordable. Chaired by the Governor, the co-vice chairs are the Speaker of the House and the President Pro Tempore of the Senate. The membership includes five members of the House, five members of the Senate and two cabinet Secretaries as ex-officio members. The Commission met a total of 14 times. It appointed over 300 distinguished private citizens from a variety of professions across the state to 13 Advisory Committees and four subcommittees during the last week in May, first week in June of 1994. The Advisory Committees began meeting on June 10, 1994. From June through early December they met a total of 72 times in 32 cities across the state. Hundreds of private citizens appeared before them to address various aspects of health reform. Each of the committees conducted an in-depth examination of their topic area and produced a written book-length report with recommendations for action to the Health Planning

Commission. Committees reported back to the commission beginning at the September meeting of the Commission and completing all reports on December 13, 1994.

The Commission itself held day-long meetings in May, July, August, September, October, November (2) and December (2). The meetings in May, July and August were fact finding sessions devoted to in-depth looks at such subjects as efforts on health reform in other states, problems in obtaining health coverage in North Carolina, trends in public and private financing of health care coverage, etc. In November, in addition to Advisory Committee reports, the Commission heard reports on health care costs in the performance based state budget and on the health reform effort in Tennessee (Tenn Care).

At its meeting on December 21, 1994, the Commission adopted a final report and a set of 83 recommendations for action and requested that legislation be drafted as needed for submission to the 1995 session of the General Assembly by the members of the Commission who will be members of the 1995 General Assembly. The Commission recommendations fall into eight areas:

1. Expanding coverage to the uninsured.
2. Controlling rising health care costs.
3. Expanding services in rural and urban medically underserved areas.
4. Changing the focus of the current health system from a curative medical system to one that focuses on keeping people healthy.
5. Ensuring high quality services
6. Establishing a data and information system capable of meeting the health information needs of the future.
7. Ensuring that the health needs of at-risk population are met.
8. General recommendations for continuing the work of the Commission.

IX. MARINE FISHERIES COMMISSION

Mr. Robert Lucas, Chairman
Selma, NC

Mr. Ray J. Boleman
Goldsboro, NC

Ms. Joann Burkholder
Raleigh, NC

Ms. N. Kay Crocker
Wrightsville Beach, NC

Mr. W. Ed Cross
Vandemere, NC

Mr. Joey Daniels
Wanchese, NC

Mr. Ron Dilthey
Raleigh, NC

Mr. Dirk Frankenberg
Chapel Hill, NC

Mr. Jodie E. Gay
Hampstead, NC

Mr. Jerry W. Hardesty
Clemmons, NC

Mr. W. Kurt Fickling
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NORTH CAROLINA MARINE FISHERIES COMMISSION

The Cochairs of the Legislative Research Commission requested the Marine Fisheries Commission to study the issues of recreational hook-and-line fishing license in coastal fishing waters and the use of commercial nets.

Reports were made in May 1994. See the Interim Report and also refer to the report from the Joint Legislative Commission on Seafood and Aquaculture included in this document.

X. MEDICAL CARE COMMISSION

Lucy Hancock Bode, Chairperson
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F. Maxton Mauney, Jr.
Asheville

David T. Tayloe, M.D.
Vice-Chairperson

Tom Paxton Phillips
Charlotte

George H.B. Cecil
Biltmore

Ernest W. Reigel
Charlotte

Joseph D. Crocker
Hickory

Dennis T. Slade
Durham

Jo Franklin
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Meredith Mecham Smith
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Thomas J. Taaffe
Murphy

Albert F. Lockamy
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John R. Willis
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Louis J. Marchetti
Southern Pines

Jere W. Witherspook
Charlotte

Secretary:
John M. Syria
Department of Human Resources
733-2342

MEDICAL CARE COMMISSION

Prehospital Emergency Care in North Carolina Report

The 1993 Legislative Research Commission (LRC) on September 13, 1993, assigned to the Medical Care Commission (MCC) the task of studying the emergency cardiac care needs of the State, examining resources currently available to meet those needs, and presenting a report, with recommendations, to the LRC by January 6, 1995. A background paper was presented to the MCC in early April, 1994 and the MCC was briefed on the issues in March of 1994. A public hearing was held on the issue on May 11, 1994 in Raleigh. At the public hearing nine persons spoke to the issue and seven written comments were received. A subcommittee of the MCC was appointed on June 10, 1994, to develop a draft report. After several meetings of the subcommittee a draft report was presented to the MCC at its September 9, 1994 meeting. The draft report was revised after this meeting and approved by the MCC at its December 1994 meeting.

The report contains the following eight recommendations:

1. Support should be given to local public school systems in continuing their efforts toward compliance with G.S. 115C-81(c) and innovative programs should be encouraged for more in-depth teaching of cardiopulmonary resuscitation (CPR) in optional extracurricular programs of high school students, leading to certification where feasible.
2. The Governor should establish a "blue ribbon" committee to develop a statewide awareness campaign to include training about the nature of sudden cardiac events, the risk factors associated with cardiovascular disease, the signs and symptoms of heart attack, and how to perform CPR.
3. The 11 counties that have not implemented a 911 system should be strongly encouraged to upgrade to "enhanced" 911 systems as resources become available.
4. Emergency Medical Dispatch (EMD) should be implemented (voluntarily) in each county.
5. Automatic External Defibrillators (AED) should be available for use by medical first responders and basic Emergency Medical Technicians (EMT). The use of AEDs should be governed by rules of the Board of Medical Examiners and personnel should be required to hold state certification in order to use these devices.
6. EMT-Paramedic care in every county should be encouraged but not mandated until the data is conclusive as to the efficacy and cost effectiveness.
7. The General Assembly should ensure that the North Carolina Health Planning Commission considers the role of the Emergency Medical Services prehospital system in its study of health care reform and access, especially in the more rural areas of the state.
8. Mechanisms should be developed to encourage research in EMS by the state's universities and private research institutions to better determine the appropriateness and effectiveness of EMS interventions in patient care and transport.

Length of Stay at Ambulatory Surgery Facilities

The Medical Care Commission considered and discussed issues related to length of stay at ambulatory surgery facilities (ASFs) at each of its four quarterly meetings in 1994. It took testimony at a public hearing at its June meeting. After reviewing background materials provided by its staff and taking into account the information provided by others, the Commission made the following findings:

1. ASF charges are generally less for specific procedures than charges for the same procedures in hospitals.
2. Current utilization of hospital beds is substantially below capacity and would be further reduced by adding recovery beds to ASFs.
3. Loss of substantial numbers of privately insured inpatient surgery patients would shift additional hospital costs to their remaining patients.
4. Medicare and Medicaid patients would not be affected as such patients may not be served in ASFs if their recovery is expected to take more than four hours.
5. Increasing ASF stays to 72 hours would result in significant increased costs to the health care system.

Therefore, the Medical Care Commission makes the following recommendations:

1. The federal Health Care Financing Administration should change its regulation to allow more Medicare and Medicaid patients to be served by ASFs.
2. New operating rooms and recovery beds should be subject to Certificate of Need review to prevent further underutilization.
3. No revision in length of stay of ASFs should be made at this time.

XI. SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION ON

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JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

The Joint Legislative Commission on Seafood and Aquaculture, an independent study commission, met five times during the past year. The Commission considered a number of issues including: 1) implementation of the two-year moratorium on fishing licenses, including the appeals process; 2) implementation of the Endorsement to Sell Program; 3) review of a proposal by the Marine Fisheries Commission concerning a saltwater recreational fishing license; 4) seafood safety and inspections; 5) overview of the State's mariculture and the shellfish leasing program; 6) review of the Division of Marine Fisheries Law Enforcement Program; and 7) progress reports from the Moratorium Steering Committee and the Oyster Blue Ribbon Panel.

The Legislative Research Commission referred the following issues to the Commission for further study.

Effect of Use of Commercial Nets on Fish and Habitats

The Joint Legislative Commission was hesitant to make substantive recommendations concerning the use of commercial gear until the Moratorium Steering Committee has completed its comprehensive study of the State's fisheries program in October, 1995. It is anticipated that the Joint Legislative Commission will prepare a package of legislative proposals for consideration by the 1996 General Assembly.

Shellfish Leasing Program

The Joint Legislative Commission heard reports concerning the problems in North Carolina's Shellfish Leasing Program. Leases are difficult to obtain, and commercial quantities are difficult to maintain in order to keep the lease. In order to improve oyster cultivation, and to expand mariculture, the Division believes that this program

must be strengthened. The Oyster Blue Ribbon Panel will formulate recommendations concerning the Leasing Program and will include those recommendations in their report.

Recreational Saltwater Fishing License

In 1994, the Marine Fisheries Commission was directed by the Legislative Research Commission to study the feasibility of a saltwater recreational fishing license and to make a recommendation to the General Assembly on that issue. The Marine Fisheries Commission created a subcommittee to study the license and that committee developed a draft proposal for the license and held numerous public hearings on the subject. The full Marine Fisheries Commission considered the saltwater recreational license and adopted a resolution to support the concept of the license and recommended that it be considered in the context of the overall study of the fishery by the Moratorium Steering Committee and Sea Grant under the two-year moratorium.

The Joint Legislative Commission heard progress reports from the Commission during the public hearings at several different meetings and discussed the resolution adopted by the Marine Fisheries Commission at its December, 1994 meeting. The Joint Legislative Commission expressed concern over some of the details outlined in the draft proposal used by the Marine Fisheries Commission, including: (1) the distribution of the proceeds of the license fees; (2) whether the license should be required for all recreational fishing or only for "hook-and-line" fishing; (3) whether the license would impact commercial fishing; (4) whether the cost of the license would be viewed as a tax; and (5) whether the proceeds would be used to restore the resource.

Members of the Joint Legislative Commission, as well as many interested parties, expressed concern that it would be untimely to propose a new license while the Moratorium Steering Committee and Sea Grant are studying the entire fishery resource, including the overall license structure. Based on this information, the Joint Legislative Commission recommended that the Commission support the concept of a saltwater recreational fishing license and that such a license be considered in the context of the two-year moratorium.

XII. TRANSPORTATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

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JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

On September 13, 1993, the Legislative Research Commission referred the following topics to the Joint Legislative Transportation Oversight Committee: All-terrain Vehicle Licensing and Regulation; Comprehensive Transportation Funding, and Public Transportation and Railroads. As of December 27, 1994 the Committee had not taken up any of these issues for study.

XIII. UNC BOARD OF GOVERNORS

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Valeria L. Lee

James G. Martin
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Thomas F. Taft
H. Patrick Taylor
Priscilla P. Taylor
Joseph E. Thomas
Harold H. Webb
Barbara D. Willis-Duncan

Contact:

D. G. Martin
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UNC BOARD OF GOVERNORS

House Bill 1319, second edition, section 2.1(61), called for a report on the constituent status of the North Carolina School of Science and Mathematics; the development of a proposal for a North Carolina Institute of Gerontology; and an evaluation of all marine sciences. These issues were reported on in May 1994. See the Interim Report.

East Carolina University School of Medicine's Potential Scope and Focus for the Next Decade

The bill also called for a report on the potential scope and focus of the East Carolina University School of Medicine over the next decade. The report was assigned to the Board of Governors by the Legislative Research Commission. This report was prepared by the School of Medicine at ECU, was reviewed by the General Administration of UNC, was submitted to the Board of Governors through its Committee on Educational Planning, Policies and Programs, and was approved on November 11, 1994.

In summary, the report:

1. Reexamines and reaffirms the school's mission. This mission is to (a) improve the availability of health care to the citizens of eastern North Carolina, (b) make medical education available to minority and disadvantaged persons, and (c) produce family care (primary care) physicians to meet the health care needs of North Carolinians.
2. Assesses the health care needs in eastern North Carolina. Particular attention is given to the poverty, mortality and morbidity rates in the region and the need for both additional health education programs and primary health care services.

3. Reviews the school's performance to date in fulfilling its mission. Of the 512 graduates of the classes of 1981-90, 334 (65.2%) Entered primary care residencies, 257 (50.4%) entered primary care practice, and 272 (53.1%) report they are practicing in North Carolina. The report notes, however, that there are still serious problems of physician distribution and supply in the state, particularly in eastern North Carolina. In an appendix, the Report briefly describes a major new initiative to address the problem of physician vacancies. The six-year, \$20.1 million program is supported by a partnership of public and private organizations and institutions.
4. Reviews past and present funding and the need for future funding. Since 1988-89, there has been a decline in State funds for operating expenses, a loss of State funded positions and a corresponding pressure for supplemental funds from the Medical Faculty Practice Plan (MFPP). The growth in the MFPP budget has occurred while reimbursement rates from third party payers declined. The total amount of unreimbursed care, primarily to indigent patient, has tripled since 1988-89. (This increase in care to such patients is strong evidence of the school's societal commitment and contribution.)
5. Presents a strategic plan for the period, 1995-2005. Specific strategies are presented to motivate more graduates to practice primary care, to address the issue of health manpower distribution, and to strengthen the health care system of the region. The strategies include pre-medical initiatives and community health access groups, partnerships with pre-medical advisors, a Generalist Scholars Program, revision of the undergraduate medical curriculum to give greater emphasis to primary care and to provide greater opportunity for preceptorships and clinical training in primary care in community settings, new approaches to rural residencies in graduate medical education, and practice support and outreach.

XIV. UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE

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JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE

The Joint Legislative Utility Review Committee was requested by the cochairs of the Legislative Research Commission to study issues related to municipal electric utility systems and the regulatory treatment of the gain on sale of water and sewer facilities.

With regard to municipal electric utility systems, the Committee reviewed the operation of municipal electric utility systems, and, in addition, the Committee reviewed the operation of municipal natural gas systems. The Committee finds that additional study is needed. Therefore, the Committee has no recommendation concerning municipally operated electric utility systems at this time. The Committee will continue to follow this area and may have recommendations in the future.

With regard to the treatment of gain on sale of water and sewer facilities, the Committee heard a report on this issue. In that report the Committee learned that the Utilities Commission had changed its position on the treatment of gain on sale. Previously, the gain on sale had been split equally between the shareholders of the selling utility and the customers. In a recent case, the Utilities Commission allowed the shareholders of the utility to retain all of the gain on sale. This has been challenged by the Public Staff, and is currently before the Court of Appeals. Therefore, the Committee feels it is appropriate that it wait for the court to render its decision before proceeding further.

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