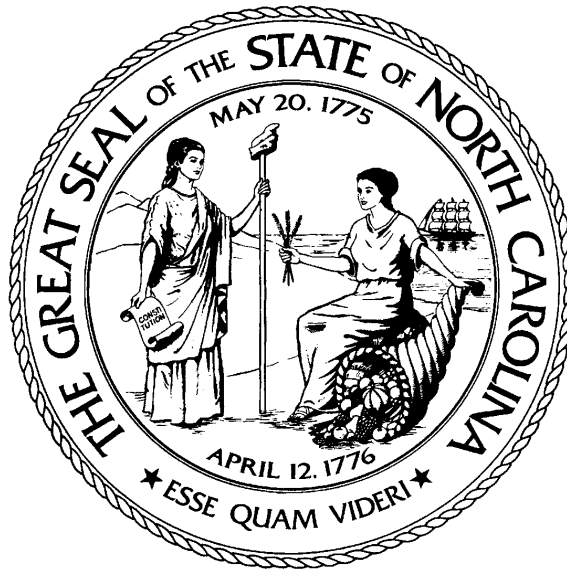


LEGISLATIVE RESEARCH COMMISSION ACTIVITIES

1999-2000 FISCAL YEAR



INTERIM REPORT

MAY 4, 2000

**SUMMARIES PREPARED BY
LEGISLATIVE SERVICES OFFICE
1999 GENERAL ASSEMBLY OF
NORTH CAROLINA**

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May 4, 2000

**TO THE MEMBERS OF THE 1999 GENERAL ASSEMBLY
(2000 REGULAR SESSION):**

The Legislative Research Commission directed its staff to prepare an interim report outlining the work thus far of its committees during the 1999-2000 fiscal year. This report contains a brief summary of each committee's progress and describes the number of committee meetings, subjects studied, findings and recommendations. We contemplate publishing an updated report in January just prior to the 2001 General Assembly.

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

Yours truly,

Terrence D. Sullivan
Director of Research

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

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.

LEGISLATIVE RESEARCH COMMISSION
Membership
1999-2000

President Pro Tempore

Sen. Marc Basnight
Room 2007
Legislative Building
Raleigh, NC 27601
(919) 733-6854

Pro Tem's Appointments

Sen. Austin M. Allran
PO Box 2907
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Sen. Linda D. Garrou
PO Box 11843
Winston-Salem, NC 27116
(336) 922-4192

Sen. Jeanne H. Lucas
PO Box 3366
Durham, NC 27702
(919) 688-2838

Sen. R.L. "Bob" Martin
PO Box 387
Bethel, NC 27812
(252) 825-4361

Sen. Ed N. Warren
227 Country Club Drive
Greenville, NC 27834
(252) 765-2671

Staff:

Mr. Terrence D. Sullivan
Research Division
(919) 733-2578

Speaker of the House

Rep. James B. Black
Room 2304
Legislative Building
Raleigh, NC 27601
(919) 733-3451

Speaker's Appointments

Rep. James W. Crawford, Jr.
509 College Street
Oxford, NC 27565
(919) 693-6119

Rep. Beverly M. Earle
312 South Clarkson Street
Charlotte, NC 28202
(704) 333-7180

Rep. Verla C. Insko
610 Surry Road
Denton, NC 27239
(910) 859-2281

Rep. William L. Wainwright
PO Box 33
Havelock, NC 28532
(252) 447-7379

Rep. Steve W. Wood
PO Box 5172
High Point, NC 27262
(336) 883-9663

Clerk:

Ms. DeAnne Mangum
(919) 733-2578

ARTICLE 6B.

Legislative Research Commission.

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

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

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

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

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

Appointments to the Legislative Research Commission shall be made not earlier than the close of each regular session of the General Assembly held in the odd-numbered year nor later than 15 days subsequent to the close. The term of office shall begin on the day of appointment, and shall end on 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. (1965, c. 1045, s. 2; 1975, c. 692, s. 2; 1977, c. 915, s. 4; 1981, c. 688, s. 19; 1983, c. 63, s. 1; 1983 (Reg. Sess., 1984), c. 1034, s. 178; 1991 (Reg. Sess., 1992), c. 900, s. 16.)

§120-30.12. Vacancies.

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

If for any reason the office of President pro tempore of the Senate becomes vacant, the five Senate members of the Legislative Research Commission shall elect one of their own number to perform and exercise the duties imposed and powers granted pursuant to this Article, and such Senator so elected shall serve until the Senate shall elect a President pro tempore. If for any reason the office of Speaker of the House of Representatives becomes vacant, the five members of the House of Representatives of the Legislative Research Commission shall elect one of their own number to perform and exercise the duties imposed and powers granted pursuant to this Article, and such member of the House of Representatives so elected shall serve until the House of Representatives shall elect a Speaker. (1965, c. 1045, s. 3; 1969, c. 1037.)

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

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

§120-30.14. Meetings.

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

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

§120-30.16. Cooperation with Commission.

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

§120-30.17. Powers and duties.

The Legislative Research Commission has the following powers and duties:

- (1) Pursuant to the direction of the General Assembly or either house thereof, or of the chairmen, to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner.
- (2) To report to the General Assembly the results of the studies made. The reports may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations.
- (3), (4) Repealed by Session Laws 1969, c. 1184, s. 8.

- (5), (6) Repealed by Session Laws 1981, c. 688, s. 2.
- (7) To obtain information and data from all State officers, agents, agencies and departments, while in discharge of its duty, pursuant to the provisions of G.S. 120-19 as if it were a committee of the General Assembly.
- (8) To call witnesses and compel testimony relevant to any matter properly before the Commission or any of its committees. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission and its committees as if each were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this subsection, the subpoena shall also be signed by the members of the Commission or of its committee who vote for the issuance of the subpoena.
- (9) For studies authorized to be made by the Legislative Research Commission, to request another State agency, board, commission or committee to conduct the study if the Legislative Research Commission determines that the other body is a more appropriate vehicle with which to conduct the study. If the other body agrees, and no legislation specifically provides otherwise, that body shall conduct the study as if the original authorization had assigned the study to that body and shall report to the General Assembly at the same time other studies to be conducted by the Legislative Research Commission are to be reported. The other agency shall conduct the transferred study within the funds already assigned to it. (1965, c. 1045, s. 8; 1969, c. 1184, s. 8; 1977, c. 915, s.3; 1981, c. 688, s. 2; 1983, c. 905, s. 7; 1985, c. 790, s. 7.)

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

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

1999-2000

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 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 House Bill 163, Chapter 395 of the 1999 Session Laws. Footnotes indicate which studies were referred to another agency or commission to be conducted.

Unless otherwise indicated, each Committee may report to the 2000 Session of the 1999 General Assembly or the 2000 General Assembly, or may make an interim report to the 2000 Session of the 1999 General Assembly and a final report to the 2001 General Assembly.

<u>Study</u>	<u>Sponsor</u>	<u>Authorization</u>	<u>Staff</u>	<u>Page</u>
Acquisition of Additional Parklands at Lake James State Park ¹	Sen Odom	SB 200	Givens Hudson Zechini Holm Iddings	82
Administrative Process for State Employee Grievances	Rep. Miller	HB 1014	Cochrane-Brown Matula Nelson	23
Animal Treatment Procedures			Riley	37
➤ Animals vaccination administration	Rep. Owens	HB 595		
	Rep. Tucker	HB 329		
➤ Spaying or neutering of dogs/cats	Rep. Hensley	HB 819		
	Sen. Kinnaird	SB 330		
Apple Industry ²	Rep. Justus		Riley	74
Bail Bond Laws	Rep. Baddour	HB 1219	Andrews	56
	Sen. Odom	SB 994	Carter	
	Sen. Ballantine		Chism	
Biannual Inspection and Grading of Adult Care Homes ³	Rep. Earle Rep. Sherrill		Young	72
Capital Incentive Program for Tourism	Rep. Earle	HJR 1483	Griffin Cochrane-Brown	49

¹ Referred to Environmental Review Commission. (SL 99-395, §2.1 (1) f)

² Referred to Agriculture and Forestry Awareness Study Commission. (SL 99-395, §2.1 (6) c)

³ Referred to NC Study Commission on Aging. (SL 99-395, §2.1 (4) b)

Capital Punishment – Mentally Retarded and Race Basis			Carter Andrews Hayes Torain	55
➤ Prohibiting death sentence for mentally retarded persons	Sen. Ballance	SB 334		
➤ Prohibiting death sentence obtained on basis of race	Sen. Ballance	SB 991		
Central Registry for Living Wills and Organ Donations	Rep. Fox	HB 406	Huie	61
Child Care Subsidy Issues ⁴	Rep. Mosley		Watson Huie Hammonds-B Churchill	85
Coastal Beach Movement, Beach Renourishment, and Storm Mitigation	Rep. Redwine Sen. Ballantine	HB 118 SB 54	Johnson Riley	47
Consolidated Income Tax Returns by Affiliated Corporations ⁵	Rep. McMahan	HJR 491	Avrette	88
Consumer Protection			Cochrane-Brown	67
➤ Higher cost of credit	Sen. Clodfelter			
➤ Cash-out transactions	Sen. W. Martin Sen. R. Shaw	SB 1137		
➤ Cash converter regulation	Rep. Hurley	HB 1451		
Credit Insurance and Mortgage Credit		HB 1149	Cochrane-Brown Reagan	68
Defibrillators – Use and Liability	Rep. Wright	HB 1118	Levenbook Andrews	43
Development-rights Transfer and the Creation of Development-rights Banks ⁶	Sen. Clodfelter	SB 1059	Holm	90
Digitization of Public Records by State Archives	Rep. Jeffus		Nelson McCarty	62
Driver Education Programs: Teen Drivers ⁷	Rep. Mosley	HB 1140	Johnson Goldsmith Iorio Kamprath	77
Election, Terms, and Constitution of	Rep. Haire	HB 1242	Johnson	77

⁴ Referred to Joint Legislative Public Assistance Commission. (SL 99-395, §2.1 (4) k)

⁵ Referred to Revenue Laws Study Committee. (SL 99-395, §2.1 (5) a)

⁶ Referred to Commission to Address Smart Growth, Growth Management, and Development Issues (SL 99-395, §2.1 (12) a)

⁷ Referred to Joint Legislative Education Oversight Committee. (SL 99-395, §2.1 (3) a)

the Board of Governors of The University of North Carolina ⁸			Goldsmith Iorio Kamprath		
Employment Security and Unemployment Insurance Tax	Rep. Wilson Sen. Hoyle Sen. Kerr	HB 324	Crotts	51	
Environmental Impacts; Sources of Pollution ⁹	Rep. Warwick	HB 1002	Givens	81	
Group B Streptococcus and Effects on Pregnant Women and Infants	Rep. Justus	HJR 1363	Attarian Young	87	
Health Professions Scope of Practice ¹⁰			Attarian Young	83	
Health Reform Recommendations of the Health Care Planning Commission and its Advisory Committees ¹¹	Rep. Insko		Attarian Young	83	
Hunger and Nutrition ¹²	Rep. Adams Sen. W. Martin	HB 1229 SB 944	Young Attarian	85	
Impact of Military Bases on Public Services and Taxes	Rep. Hurley Rep. Warner		Avrette Millsaps Andrews	33	
Juvenile Crime and Delinquency	Sen. Rand	SB 914	Hayes	58	
Long-term Care Facility Licensure Compliance ¹³	Rep. Mosley	HJR 909	Young	72	
Magistrates Authority ¹⁴	Rep. Baddour	HB 1224	Folger Andrews Carter Wolper Perusse	76	
Managed Care Issues	Sen. Harris Rep. Mosley	SB 1089 HJR 1461	Attarian Churchill	27	
Marriage License Laws	Rep. Hill	HJR 1365 HB 973	Graf Hayes	40	

⁸ Referred to Joint Legislative Education Oversight Committee. (SL 99-395, §2.1 (3) e)

⁹ Referred to Environmental Review Commission. (SL 99-395, §2.1 (6) d)

¹⁰ Referred to Joint Legislative Health Care Oversight Committee. (SL 99-395, §2.1 (4) n)

¹¹ Referred to Joint Legislative Health Care Oversight Committee. (SL 99-395, §2.1 (2) c)

¹² Referred to Joint Legislative Public Assistance Study Commission. (SL 99-395, §2.1 (4) h)

¹³ Referred to NC Study Commission on Aging. (SL 99-395, §2.1 (4) a)

¹⁴ Referred to Courts Commission. (SL 99-395, §2.1 (8) a)

	Sen. Dalton	SB 1018		
Mental Health and Chemical Dependency Parity	Rep. Alexander Sen. W. Martin	HB 713 SB 836	Attarian	29
Mutual Burial Association Insolvency Issues	Sen. Rand	SB 212 SL 99-425	Manheimer Churchill	30
Nondepository Trust Companies and Family Trust Companies	Sen. Warren	SB 94	Reagan	39
Nonprofit Property Tax Exemptions ¹⁵		SB 325	Avrette	88
Pedestrian Ferry Services	Sen. Basnight			48
Pharmacy Choice/Competition ¹⁶	Rep. Cole Sen. Rand	HB 1277 SB 137	Attarian Young	83
Predatory Lending		SB 1149 SL 99-332		70
Procurement Card Pilot Program of the Department of Administration ¹⁷	Sen. L. Shaw Rep. Wainwright		Carter McCarty J. Willis	80
Red Imported Fire Ants ¹⁸	Rep. Plyler Rep. Warwick		Riley	74
Resolution of Conflicts Between Boards of Education and County Commissioners			Goldsmith Pickett	34
Sale of Structured Settlements				46
School Boards Review of Applicable Court Orders ¹⁹	Rep. Gulley	HB 790	Johnson Goldsmith Iorio Kamprath	77
Seat Belts on School Buses ²⁰	Rep. Mosley	HB 355	Johnson Goldsmith Iorio Kamprath	77
Spinal Manipulation Treatment ²¹			Attarian	83

¹⁵ Referred to Revenue Laws Study Committee. (SL 99-191 (SB 325))

¹⁶ Referred to Joint Legislative Health Care Oversight Committee. (SL 99-395, §2.1 (2) d)

¹⁷ Referred to Joint Select Committee on Information Technology. (SL 99-395, §2.1 (1) e)

¹⁸ Referred to Agriculture and Forestry Awareness Study Commission. (SL 99-395, §2.1 (6) b)

¹⁹ Referred to Joint Legislative Education Oversight Committee. (SL 99-395, §2.1 (3) d)

²⁰ Referred to Joint Legislative Education Oversight Committee. (SL 99-395, §2.1 (3) b)

			Young	
State Agencies' Customer Service Quality Assurance ²²	Rep. Owens	HB 636	Willis Wheeler Powell Muchmore Fuerst	79
State Employees and Teachers Compensation			Matula Moore	24
➤ Defined contribution pension plan for State employees and teachers	Rep. Baker	HB 39	Pickett Trodden	
➤ State employee comprehensive compensation system	Rep. Nesbitt Rep. Sherrill Sen. Reeves	HJR 1158 SJR 1031		
State Government Construction Review and Approval Process			Graf Cochrane-Brown	52
State Tort Liability and Immunity	Rep. Walend Rep. Nesbitt		Graf Folger Griffin Reagan	44
Transportation Finance			Perry Rodewald Weiss	21
➤ Toll roads				
➤ Municipal participation in road funding				
Trucking Safety ²³	Rep. Wilson	HB 1249	Perry	91
Telephone Solicitation	Rep. Allen	HB 1080	Dail Manheimer	63
Unvented Gas Heaters	Sen. Albertson	SB 785	Zechini	38
Wastewater System Construction Permits and Related Issues ²⁴	Rep. Culp	HB 137	Givens Hudson Zechini Holm Iddings	82
Ways to Improve the Quality of Documents Recorded in the Office of the Register of Deeds ²⁵	Sen. Dalton	SB 873	Carter McCarty J. Willis	80

²¹ Referred to Joint Legislative Health Care Oversight Committee. (SL 99-395, §2.1 (4) l)

²² Referred to Joint Legislative Commission on Governmental Operations. (SL 99-395, §2.1 (1) b)

²³ Referred to Joint Legislative Transportation Oversight Committee. (SL 99-395, §2.1 (9) a)

²⁴ Referred to Environmental Review Commission. (SL 99-395, §2.1 (1) f)

²⁵ Referred to Joint Select Committee on Information Technology. (SL 99-395, §2.1 (12) b)

Grouping of 1999 Legislative Research Commission (LRC) Studies*

Section reference is to SL 1999-395 (HB 163), unless otherwise indicated.

The bill number reference is to the bill or resolution originally proposing the study. Individual study *committees' names are italicized.*

LRC member in charge of the individual study grouping is in parentheses and (CAPITAL LETTERS).

Reporting directly to the LRC Cochairs:

Transportation Finance Committee (S.L. 1998-212, § 27.15(c) and S.L. 99-237, § 27.2 (d) (HB 168) -- Under No Grouping.***

Toll roads §2.1 (9) b

Municipal participation in road funding. §2.1 (9) c

I. Governmental Personnel Grouping (SEN. LUCAS):

- A. *Administrative Process for State Employee Grievances Committee* (HB 1014 - Miller). §2.1 (1) c
- B. *State Employees and Teachers Compensation Committee*
 - 1. Defined contribution pension plan for State employees and teachers (HB 39 - Baker). §2.1 (1) a; and
 - 2. State employee comprehensive compensation system (HJR 1158 - Nesbitt, Sherrill; SJR 1031 - Reeves). §2.1 (1) d

II. Insurance and Managed Care Grouping (REP. INSKO)

- A. *Managed Care Issues Committee* (SB 1089 - Harris, HJR 1461 - Mosley). §2.1 (2) a
- B. *Mental Health and Chemical Dependency Parity Committee* (HB 713 - Alexander; SB 836 - Martin of Pitt). §2.1 (2) b
- C. *Insolvency of Mutual Burial Associations Committee* (SL 1999-425 (SB 212 - Rand), § 5)**

III. Intergovernmental Issues Grouping (REP. WAINWRIGHT):

- A. *Impact of Military Bases on Public Services and Taxes Committee* (Hurley and Warner). §2.1 (5) b
- B. *Resolution of Conflicts between Boards of Education and County Commissioners Committee* §2.1 (3) c

IV. Government Regulation Grouping (SEN. WARREN):

- A. *Animal Treatment Procedures Committee*
 - 1. Animals vaccination administration (HB 595 - Owens; HB 329 - Tucker). §2.1 (4) e; and
 - 2. Spaying or neutering of dogs and cats (HB 819 - Hensley; SB 330 -Kinnaird). §2.1 (4) i
- B. *Unvented Gas Heaters Committee* (SB 785 - Albertson). §2.1 (4) g
- C. *Nondepository Trust Companies and Family Trust Companies Committee* (SB 94 - Warren). §2.1 (1) I

- D. *Marriage License Laws Committee* (HJR 1365 - Hill; HB 973 - Hill; SB 1018 - Dalton). §2.1 (4)f

V. Civil Liability and Structured Settlements Grouping (REP. CRAWFORD):

- A. *Defibrillators -- Use and Liability Committee* (HB 1118 - Wright). §2.1 (4) m
- B. *State Tort Liability and Immunity Committee* (Walend, Nesbitt). §2.1 (1) j
- C. *Sale of Structured Settlements Committee*. §2.1 (10) c

VI. Coastal Issues Grouping (SEN. ALLRAN):

- A. *Coastal Beach Movement; Beach Renourishment, and Storm Mitigation Committee* (HB 118 - Redwine; SB 54 - Ballantine). §2.1 (6) e
- B. *Pedestrian Ferry Services Committee* (Basnight). §2.1 (9) d
- C. *Capital Incentive Program for Tourism Committee* (HJR 1483 - Earle). §2.1 (5)c***

VII. Labor and State Construction Grouping (SEN. GARROU):

- A. *Employment Security and Unemployment Insurance Tax Committee* (HB 324 - C. Wilson; Hoyle, Kerr). §2.1 (7) b
- B. *State Government Construction Review and Approval Process Committee*. §2.1 (1) g

VIII. Criminal Laws Grouping (SEN. R.L. MARTIN):

- A. *Capital Punishment -- Mentally Retarded and Race Basis Committee*
 - 1. Prohibiting death sentence for mentally retarded persons (SB 334 - Ballance). §2.1 (11) a; and
 - 2. Prohibiting death sentence obtained on basis of race (SB 991 - Ballance). §2.1 (11) b
- B. *Bail Bond Laws Committee* (SB 994 - Odom, Ballantine; HB 1219 - Baddour). §2.1 (11) c
- C. *Juvenile Crime and Delinquency Committee* (SB 914 - Rand). §2.1 (4) j**

IX. Government Records and Telephone Solicitation Grouping (REP. WOOD):

- A. *Central Registry for Living Wills and Organ Donations Committee* (HB 406 - Fox). §2.1 (4) d
- B. *Digitization of Public Records by State Archives Committee* (Jeffus). §2.1 (1) h
- C. *Telephone Solicitation Committee* (HB 1080 - Allen). §2.1 (8) b

X. Consumer Protection Grouping (REP. EARLE):

- A. *Consumer Protection Committee*
 - 1. Higher cost of credit (Clodfelter). §2.1 (10) a;
 - 2. Cash-out transactions used by some check-cashing businesses (SB 1137 - Martin of Guilford, Shaw of Guilford) and pawn shops. §2.1 (10) b

- 3. Cash converter regulation (HB 1451 - Hurley). §2.1 (10) d
- B. *Credit Insurance and Mortgage Credit Committee*. §2.1 (10) e and SL 99-332 (SB 1149), §7 (3)
- C. *Predatory Lending Committee* (SL 99-332 (SB 1149), § 7(1) and (2))

Re-referral of 1999 LRC Studies to Other Bodies*

North Carolina Study Commission on Aging

- Long-term care facility licensure compliance (HJR 909 - Mosley). §2.1 (4) a
- Biannual inspection and grading of adult care homes (Earle and Sherrill). §2.1 (4) b

Agriculture and Forestry Awareness Study Commission

- Apple industry (Justus). §2.1 (6) c
- Red imported fire ants, (Plyler, Warwick). §2.1 (6) b**

Courts Commission

- Magistrates authority (HB 1224 - Baddour). §2.1 (8) a

Joint Legislative Education Oversight Committee

- Driver education programs; teen drivers (HB 1440-Mosley). §2.1 (3) a
- Seat belts on school buses (HB 355 - Mosley). §2.1 (3) b
- School boards review of applicable court orders (HB 790 - Gulley). §2.1 (3) d
- Election, terms, and constitution of the Board of Governors of The University of North Carolina (HB 1242 - Haire). §2.1 (3) e

Joint Legislative Commission on Governmental Operations

- State agencies' customer service quality assurance (HB 636 - Owens). §2.1 (1) b

Joint Select Committee on Information Technology

- Procurement card pilot program of the Department of Administration (Shaw of Cumberland; Wainwright). §2.1 (1) e
- Ways to improve the quality of documents recorded in the office of the register of deeds (SB 873 - Dalton). §2.1 (12) b

Environmental Review Commission

- Acquisition of additional parklands at Lake James State Park (SB 200 - Odom). §2.1 (1) f
- Wastewater system construction permits and related issues (HB 137 - Culp). §2.1 (6) a
- Environmental impacts; sources of pollution (HB 1002 - Warwick). §2.1 (6) d

Joint Legislative Health Care Oversight Committee

- Health reform recommendations of the Health Care Planning Commission and its advisory committees (Insko). §2.1 (2) c
- Pharmacy choice/competition (HB 1277 - Cole; SB 137 - Rand). §2.1 (2) d
- Spinal manipulation treatment §2.1 (4) l
- Health professions scope of practice §2.1 (4) n

Joint Legislative Public Assistance Commission

- Hunger and nutrition (HB 1229 - Adams; SB 944 - Martin of Guilford). §2.1 (4) h
- Child care subsidy issues (Mosley). §2.1 (4) k

Public Health Study Commission

- Group B Streptococcus and effects on pregnant women and infants (HJR 1363 - Justus)**

Revenue Laws Study Committee

- Consolidated income tax returns by affiliated corporations (HJR 491 - McMahan). §2.1 (5) a
- Non-profit property tax exemptions (SL 99-191 (SB 325))--study mandated

*Commission to Address Smart Growth, Growth Management, and Development
Issues*

Development-rights transfer and the creation of development-rights banks (SB 1059 -
Clodfelter). §2.1 (12) a

Joint Legislative Transportation Oversight Committee

Trucking safety (HB 1249 - C. Wilson). §2.1 (9) a

- * **As adopted by the Commission on August 25, 1999 and as amended by the LRC Cochairs on September 13, 1999 and on October 6, 1999.**
- ** **Changes made by the LRC Cochairs on September 13, 1999 are double asterisked.**
- *** **Changes made by the LRC Cochairs on October 6, 1999 are triple asterisked.**

PART I. SUMMARIES OF LRC STUDY COMMITTEES

TRANSPORTATION FINANCE COMMITTEE

Authority: S.L. 1999-212, §27.15(c); S.L. 1999-237, §27.2(d)

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Transportation Finance Committee

The LRC Transportation Finance Committee met three times in March and April 2000. At its first meeting, the Committee heard presentations on the current status of the State's transportation finances, urban transportation needs, rural transportation needs, transportation issues in the Research Triangle Park, changes in the TIP as a result of the audit by KPMG-Peat Marwick, secondary roads and discretionary funding, and "best practices" in transportation management. At its second meeting, the Committee heard a more detailed presentation on best practices for transportation needs assessment, as well as an introductory presentation on toll roads. The Committee also heard from DOT on highway maintenance needs and current funding. At its third meeting, the Committee heard presentations on public transportation and rail needs, use of transponders for motor carrier law enforcement and fuel tax collection, municipal participation in state highway projects, and toll road projects.

The Committee recommends two draft bills for consideration by the 2000 Session of the General Assembly, and a report by the Secretary of Revenue and the Commissioner of Motor Vehicles on transponder technology:

1. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL VOLUNTARY MUNICIPAL PARTICIPATION IN STATE ROAD CONSTRUCTION.
2. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CONSTRUCTION OF UP TO THREE PRIVATELY FUNDED AND THREE PUBLICLY FUNDED TOLL ROAD OR BRIDGE PROJECTS.

Recommendation for Report on Transponders

The Committee recommends that the Commissioner of Motor Vehicles and the Secretary of Revenue convene a joint working group on use of transponder technology to increase motor fuel tax collection and to enhance enforcement of motor carrier related laws. The Committee requests that the working group report to the Legislative Research Commission Transportation Finance Study Committee on or before October 1, 2000 with a plan for implementing the technology.

II. GOVERNMENTAL PERSONNEL GROUPING

ADMINISTRATIVE PROCESS FOR STATE EMPLOYEES GRIEVANCES COMMITTEE

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Administrative Process for State Employee Grievances

The Administrative Process for State Employee Grievances Committee met once and learned about a recent case in which a State employee was denied benefits under the federal Family and Medical Leave Act (FMLA). Congress passed the Family and Medical Leave Act in 1993, and specifically made it applicable to state and local governmental employers. Soon after enactment, the State Personnel Commission adopted rules and policies applying the federal law to State employees. However, the rules specifically provide that

“violation of or denial of leave requested pursuant to the FMLA is not a contested case and creates no right of grievance or appeal pursuant to the State Personnel Act,” and recent federal court cases have raised questions as to whether (1) Congress acted within the scope of its authority in abrogating state’s immunity under the Eleventh Amendment of the Constitution, and (2) the Family and Medical Leave Act is unconstitutional as applied to the states under the Tenth Amendment. In view of these developments, the Committee recommends:

A BILL TO BE ENTITLED AN ACT CLARIFYING STATE EMPLOYEES’ ELIGIBILITY FOR
FAMILY AND MEDICAL LEAVE BENEFITS.

STATE EMPLOYEE AND TEACHERS COMPENSATION COMMITTEE

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State Employees and Teachers Compensation Committee

The State Employees and Teachers Compensation Committee met three times to consider issues relating to the performance evaluation and compensation of State employees subject to the State Personnel Act (SPA). The Committee focused on the Comprehensive Compensation System outlined in G.S. 126-7. Under current law, the Comprehensive Compensation System links salary increases to the performance of each SPA employee and includes three components: Career Growth Recognition Award, Cost-of-Living Adjustment, and Performance Bonus. This impacts over 91,000 State employees, or roughly 36% of the almost 256,000 State funded positions. (The remaining 165,000 positions are non-SPA and are primarily located in the universities, judicial branch, community colleges, and public schools.) The Committee heard detailed reports from its staff as well as thorough presentations by the Office of State Personnel and the State Employees Association of North Carolina. The Committee was informed of the factors that adversely affect the State's ability to attract and retain the State government labor force, including:

- (1) The combined effect of an approximately 1.7% unemployment rate in the Triangle;
- (2) Increased labor market competition;
- (3) Devaluation of the State's benefit packages relative to some competitors; and
- (4) State salaries increasing at a slower rate than private sector counterparts.

The Committee recognizes that North Carolina State Government has an obligation to attract and retain a competent workforce and, therefore, the Committee recommends:

A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYEE COMPENSATION AND PERFORMANCE EVALUATION PROVISIONS OF THE STATE PERSONNEL ACT, CHAPTER 126 OF THE GENERAL STATUTES, AND APPROPRIATING FUNDS FOR FULL IMPLEMENTATION OF THE STATE COMPENSATION PLAN.

<u>FY 2000-2001 Cost Analysis for SPA Employees</u>		
	<u>General Fund</u>	<u>Highway Fund</u>
Fund Career Growth Component at minimum increase of 2% per annum.	\$42,000,000	\$8,600,000
Tie Cost of Living to CPI for previous year. (For calendar year 1999, the assumed average CPI rate is 2.2%)	\$46,200,000	\$9,460,000
Fund Performance Bonus at a minimum 2% of total payroll	\$42,000,000	\$8,600,000
Fund 5% salary increase to account for increases in the COLA that did not match the CPI.	\$105,000,000	\$21,500,000

III. INSURANCE AND MANAGED CARE GROUPING

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Managed Care Issues Committee

The Study Committee recommends five separate pieces of legislation. The recommendations include establishing an external appeal mechanism, enhancing protections for consumers in the event of an HMO insolvency, providing procedures to ensure the prompt payment of claims by insurers, providing a statutory remedy for consumers harmed by health care treatment decisions made by their managed care health plans, and ensuring representation of non-medical doctor health care providers on utilization and grievance review panels when appropriate.

1. The first piece of proposed legislation is entitled: AN ACT TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND MAINTENANCE OF EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN INDEPENDENT REVIEW OF A HEALTH BENEFIT PLAN COVERAGE DECISION MADE BY THE INSURER OR MANAGED CARE PLAN; AND TO MAKE CONFORMING AMENDMENTS TO EXISTING LAWS ON UTILIZATION REVIEW AND GRIEVANCES. The act would establish an external, independent review process for consumers to obtain an external review of disputes regarding complaints and issues relating to the consumer's health benefit plan. External reviews would be conducted by independent review organizations approved by the Commissioner of Insurance. The decision of the review organization must be made within 45 days or four days if necessary to avoid jeopardizing the health or life of the covered person and would be binding upon the insurer. The act would become effective July 1, 2001.
2. A second piece of legislation is entitled: AN ACT TO PROTECT PERSONS ENROLLED IN AN HMO FROM THE CONSEQUENCES OF THE INSOLVENCY OF THAT HMO BY AUTHORIZING ASSESSMENTS OF REMAINING HMOs IN THE STATE TO PAY FOR UNCOVERED EXPENDITURES OF AND CONTINUATION OF COVERAGE FOR THE ENROLLEES. The act would provide a mechanism with which the Commissioner of Insurance may ensure that uncovered claims against an insolvent HMO are covered and health care coverage for enrollees is continued. The act would become effective July 1, 2001.
3. A third piece of legislation is entitled: AN ACT TO PROVIDE THAT A MANAGED CARE ENTITY PROVIDING A HEALTH BENEFIT PLAN IS LIABLE FOR DAMAGES FOR HARM TO ITS INSURED OR ENROLLEES CAUSED BY THE MANAGED CARE ENTITY'S FAILURE TO EXERCISE ORDINARY CARE. The act would establish a standard of care for managed care entities which administer, deliver, arrange for, provide for, or reimburse for health care services or assume the risk for the delivery of health care services and to provide for recovery for violations of that standard. The act would become effective July 1, 2001.
4. A fourth piece of legislation is entitled: AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH BENEFIT PLANS AND TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM PAYMENT LAWS. The act would require insurers to pay an uncontested claim submitted by a claimant within 30 days. If the claim is not paid within 30 days, interest at 18 percent will be added to the claim. A violation of the act would subject the insurer to civil penalties, restitution or license suspension or revocation by the Commissioner of Insurance pursuant to G.S. 58-2-70. The act would become effective July 1, 2001.
5. A fifth piece of legislation is entitled: AN ACT TO REQUIRE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES PURSUANT TO G.S. 58-50-61 AND G.S. 58-50-62 TO INCLUDE ON THE REVIEW OR GRIEVANCE PANEL PROVIDERS LICENSED, CERTIFIED, OR REGISTERED IN NORTH CAROLINA IN THE SAME MEDICAL OR ALLIED HEALTH OCCUPATION AS THE PROVIDERS WHO ARE PARTIES TO THE REVIEW OR GRIEVANCE. The current law specifies that medical doctors and other qualified health care professionals must be involved in utilization and grievance review conducted by the insurers. The act would provide insurers with specific requirements to abide by when selecting reviewers. The selection must be based on the license, certification or registration of the providers who are parties to the review or grievance. The act becomes effective when it becomes law.

MENTAL HEALTH AND CHEMICAL DEPENDENCY PARITY COMMITTEE

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Mental Health and Chemical Dependency Parity Committee

The Committee on Mental Health and Chemical Dependency Parity recommends a single piece of legislation, entitled, "AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE COVERAGE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY TREATMENT". The act would require all group health plans to provide coverage of mental illness and chemical dependency. Group health plans covering 10 or more employees must provide coverage for mental illness and chemical dependency at full parity to the benefits for physical illness under the plan. Full parity means that the plan's benefit restrictions on day and visit limits, deductibles, coinsurance factors, co-payments, maximum out-of-payment limits, annual and

lifetime dollar limits, and any other dollar limits or fees for covered services prior to reaching any maximum out-of-pocket limit must not be less favorable than those for physical illness generally.

The act requires group health plans covering less than 10 employees to provide coverage for mental illness and chemical dependency at partial parity to the benefits for physical illness under the plan for a period not to exceed three years, and at full parity at the end of the three-year period. Partial parity means that the plan's benefit restrictions on day and visit limits, maximum out-of-pocket limits, and annual and lifetime dollar limits must not be less favorable than those for physical illness generally. Deductibles, coinsurance factors, co-payments, and any other dollar limits or fees for covered services prior to reaching any maximum out-of-pocket limit may be more restrictive for mental illness and chemical dependency benefits than those for physical illness.

The act further requires the Legislative Commission on MH/DD/SAS to study the issue of whether the coverage and parity mandates are too onerous on small group health plans after enough time has passed to collect reliable cost and outcome data. After the study, the Commission is to report its determination regarding whether these small plans should move to full parity at the end of the three-year period to the 2003 General Assembly.

INSOLVENCY OF MUTUAL BURIAL ASSOCIATIONS COMMITTEE

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Insolvency of Mutual Burial Associations Committee

The Insolvency of Mutual Burial Associations Committee met one time. At the meeting, the Committee staff presented SB 212, a bill entitled Mortuary Science Changes. The Committee heard from Mr. Andrew Ritter, Director of the North Carolina Board of Mortuary Science. He stated that thus far, the Board was pleased with effect of SB 212, as it has allowed insolvent mutual burial associations to dissolve. Mr. Ritter stated that at this time the Board would not recommend further changes to the mutual burial association statutes. The Committee also heard from Mr. John Carr who represents the North Carolina Funeral Directors Association. Mr. Carr concurred with Mr. Ritter and stated that the committee might need to revisit the insolvency issue next interim, but that it was possible that his organization would recommend no further changes to the law when the committee meets again after the 2000 Short Session. The Committee will continue its work following the 2000 Session of the General Assembly and will report to the 2001 Session of the General Assembly, as required.

IV. INTERGOVERNMENTAL ISSUES GROUPING

IMPACT OF MILITARY BASES ON PUBLIC SERVICES AND TAXES COMMITTEE

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Committee on the Impact of Military Bases on Public Services and Taxes

The LRC Study Committee on the Impact of Military Bases on Public Services and Taxes met twice during the interim. North Carolina regards its military bases as one of its greatest assets. The communities in which the military bases are located receive an economic benefit from their presence in them. These communities also provide services to support the bases and the military personnel that work on those bases. The Chairs viewed the Committee's work as a "fact-finding" mission to explore the benefits communities derive from the presence of these bases in their areas, as well as the revenues these communities must expend to support the bases. At its first meeting, the Committee heard presentations from Colonel David Jones, the Governor's military liaison, Ms. Betty Smith, from Fort Bragg, and Mr. John Peacock and Mr. Tony World, representing Seymour Johnson Air Force Base. They addressed the economic benefits derived by the State from the presence of the military bases in the State. On the expenditure side, the Committee heard presentations concerning the impact the bases have on a community's educational system, transportation system, and infrastructure. The Committee heard presentations from Mr. Rick Glazier, former Chairman of the Cumberland County Board of Education, and Mr. Ricky Lopes, the finance officer from Cumberland County on the educational issues. It heard presentations from the Department of Transportation, local leaders, and community representatives on the remaining issues. The Committee has not made any findings and does not have any recommendations for the 2000 Session of the 1999 General Assembly. The Committee plans to continue its work in the fall.

RESOLUTION OF CONFLICTS BETWEEN BOARDS OF EDUCATION AND COUNTY COMMISSIONERS COMMITTEE

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Resolution of Conflicts between Boards of Education and County Commissioners Committee

The Committee on Resolving Conflicts Between School Boards and County Commissioners met two times. At the first meeting, the Committee received general information from several Institute of Government Faculty members. Mr. Don Liner reviewed the State and local funding and governance structures for North Carolina public schools. He provided some historical background as well as general comparisons with other states. Mr. John Stephens reviewed the budget dispute resolution process between school boards and county commissioners. He gave an historical overview of how the procedure for resolving conflicts has evolved. Ms. Susan Flinspach gave an overview of other States' Funding while focusing on a regional comparison of states with independent school systems and states with dependent systems. Based on her research, she concluded that there was no clear association between the governance structure of school boards (independent vs. dependent) and the level of educational funding those boards received.

At the second meeting, the Committee heard presentations from several members of the General Assembly staff. Ms. Kory Goldsmith and Ms. Phyllis Pickett, Committee Co-counsel, presented a legal memorandum outlining the current State and local budgetary process. Mr. Philip Price, Fiscal Analyst, provided some longitudinal information related to State, local, and federal spending for current expenses from 1970 to 1998. The Committee then heard presentations from Ms. Leanne Winner, North Carolina School Boards Association, and Mr. Ed Reagan, North Carolina Association of County Commissioners.

Ms. Winner presented information indicating that many school boards believe that county commissioners attempt to influence school policy by using the budgetary process. She noted that some school boards are very reluctant to force a budgetary mediation for fear of future budgetary retaliation by the county commissioners. Ms. Winner also stated that the current funding structure reduces local accountability because school boards can blame the county commissioners if the schools lack resources and the county commissioners can blame school boards if citizens are unhappy with educational policies.

Mr. Reagan noted that the County Commissioners Association does not believe there is a problem. He noted that the budget process is built on a dynamic tension, but that was beneficial because the commissioners must look at all the needs of the county. He noted that the current system has produced good to excellent credit ratings for North Carolina's counties and questioned what impact any change would have on that status. Finally, Mr. Reagan cautioned that if the State grants independent taxing authority to school boards, other local agencies would want similar authority.

The Committee will continue its work following the 2000 Session of the General Assembly and will report to the 2001 Session of the General Assembly.

V. GOVERNMENT REGULATION GROUPING

ANIMAL TREATMENT PROCEDURES COMMITTEE

Authority: S.L. 1999-395, HB 135

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Pro Tem's Appointments

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Mr. Millard R. Rich
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Clerk

Ms. Kathie Young
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Animal Treatment Procedures Committee

The Animal Treatment Procedures Committee held four meetings. At the first meeting the Committee viewed an animal control documentary, and were presented with a brief history of spay/neuter legislation, on animal control in the State, and heard from the County Commissioners' Association. The Committee heard an explanation of SB 330 from committee counsel, Ms. Barbara Riley. At the second meeting, Senator Kinnaird introduced a revised version of SB 330. Dr. Mark Green, a committee member, presented a spay/neuter pilot program. Peter Marsh, a member of a Legislative Study Commission on

spay/neutering programs from New Hampshire, gave a presentation on state funded programs in New Hampshire. Members of the public commented on the bill and spay/neuter problem. At the third meeting, the committee discussed recommended changes from members and the public. At the fourth and final meeting, the final report was adopted.

The Animal Treatment Procedures Committee found there is a pressing need for the establishment of a statewide spay/neuter program under which low-income citizens of North Carolina can access affordable spay/neuter procedures for their dogs and cats. The Committee further found that the funding for this program should be voluntarily provided by citizens through the purchase of special license plates and special rabies tags.

Based on the committee's findings and recommendations, the Animal Treatment Procedures Committee recommends the following bill to the 2000 General Assembly:

A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VOLUNTARILY FUNDED
STATEWIDE SPAY/NEUTER PROGRAM TO PROVIDE EDUCATION ON THE BENEFITS
OF SPAYING AND NEUTERING PETS AND TO PROVIDE FINANCIAL ASSISTANCE TO
COUNTIES AND CITIES OFFERING LOW-INCOME PERSONS REDUCED COST
SPAY/NEUTER SERVICES FOR DOGS AND CATS.

This bill creates a voluntarily funded statewide program to provide low-income persons with reduced cost spay/neuter services for their dogs and cats and provides for an educational program for pet owners on the benefits of having their pets spayed or neutered. It further establishes a non-reverting, special revenue Spay/Neuter Account in the Department of Health and Human Services from which the statewide program would be funded. Revenue for the account would come from an additional 50 cent fee on the cost of obtaining a special rabies vaccination tag, which is an alternative to the standard rabies tag and will be a different shape and carry the designation "I Care". Also, license plate fees from an Animal Lovers special plate, ten dollars of which the additional fee imposed for the special plate would be transferred to the Account, and any grants or donations. The bill also amends G.S. 20-81.12(b)(10) to provide for the distribution of revenues received from Animal Lovers license plates, to direct that the money received from the issuance of the plate in the Collegiate and Cultural Attraction Account is transferred quarterly to the Spay/Neuter Account. The bill would become effective January 1, 2001.

UNVENTED GAS HEATERS COMMITTEE

Authority: S.L. 1999-395, HB 135

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Unvented Gas Heaters Committee

The Unvented Gas Heaters Committee has not yet met and is not making a report to the 2000 Session.

NONDEPOSITORY TRUST COMPANIES AND FAMILY TRUST COMPANIES COMMITTEE

Authority: S.L. 1999-395, HB 135

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Nondepository Trust Companies and Family Trust Companies

The Nondepository Trust Companies and Family Trust Companies Committee met two times. The Committee discussed that under current law companies that wished to engage solely in trust business were required to be chartered and regulated as a bank, even though the company did not operate as a depository institution. The Committee also discussed that NC trust companies would be prohibited from operating on an interstate basis unless NC recognizes the right of out-of-state trust companies to operate in North Carolina. The Committee heard from the NC Commissioner of Banks and the NC Attorney General's Office that a model State Trust Company Act recommended by the national Conference of State Banking Supervisors has been adopted in about half the other states. The model act would provide for a separate process for chartering trust companies, would permit state charter trust companies to operate on an interstate basis, and would provide the same protections to the consuming public as provided by the current regulatory structure.

The Committee decided to recommend a bill to enact the model State Trust Company Act as recommended by the Conference of State Banking Supervisors, with modifications to conform to North Carolina law.

Based on its findings and recommendations, the Nondepository Trust Companies and Family Trust Companies Committee recommends the following bill to the 2000 Regular Session of the General Assembly:

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHARTERING OF
INDEPENDENT TRUST COMPANIES AND TO PERMIT BANKS AND TRUST
COMPANIES TO CONDUCT A TRUST BUSINESS ON AN INTERSTATE BASIS.

This bill would create a regulatory structure for companies solely operating a trust business separate from the regulation of banks, and would permit trust businesses to be operated on an interstate basis under certain conditions.

MARRIAGE LICENSE LAWS COMMITTEE

Authority: S.L. 1999-332, HB 135

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Marriage License Laws Committee

The Marriage License Laws Committee met two times. At the first meeting, the Committee was given an overview of the marriage license laws in North Carolina and the potential problems with those laws. A representative of the Institute of Government and the President of the North Carolina Association of Registers of Deeds addressed the Committee and answered questions about the process an applicant must go through in order to get a marriage license in North Carolina. Based on the information presented at the meeting, the Committee identified several key issues for further study. At the second meeting, the Committee heard from a representative of the ACLU regarding the constitutionality of the statute that sets out who is authorized to solemnize a marriage in North Carolina. The Committee also heard from a representative of Prisoner Legal Services regarding the rights of prisoners in obtaining marriage licenses so that they may marry. The Committee then discussed and prioritized issues that they plan to study further when they meet after the 2000 Session of the General Assembly. The Committee will not report to the 2000 Session, but will continue its work and report to the 2001 Session of the General Assembly with any relevant recommendations.

VI. CIVIL LIABILITY AND STRUCTURED SETTLEMENTS GROUPING

DEFIBRILLATORS – USE AND LIABILITY COMMITTEE

Authority: S.L. 1999-395, HB 135

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Clerk

Ms. Vanda Wilson-Womack
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Defibrillators – Use and Liability Committee

The Defibrillators--Use and Liability Study Committee met three times in Raleigh on March 1, 2000, March 29, 2000, and April 18, 2000.

During its proceedings, the Committee heard about the American Heart Association's initiative to make automated external defibrillators readily available throughout the United States and how, as of March, 2000, 45 states had enacted some form of legislation regulating these medical devices.

An automated external defibrillator (AED) is a device that analyzes heart rhythms and delivers an electric current to the heart if the heart has suffered a sudden cardiac arrest or is in ventricular fibrillation, restarting the heart and restoring it to normal rhythm. When a person is in ventricular fibrillation or is in cardiac arrest, the person is, for all intents and purposes, dead. There are two types of AEDs; one analyzes the heart rhythm and then informs the human operator to push a button giving the victim the electrical shock, the other requires no human intervention.

The Committee saw demonstrations of AEDs and the "dumb" defibrillators, now used in hospitals and on many ambulances, which require the operator to interpret the heart rhythms and decide whether or not to deliver the electric shock. The Committee heard from persons who survived sudden cardiac arrest because of the availability of an AED and the family of a young girl who might have survived, but for the absence of an AED at a sporting event.

The Committee heard about the availability of AEDs and other life support systems throughout the State and about the licensing of emergency health care providers.

A working group was established involving all of the interested parties and after several lengthy meetings developed the proposed legislation to encourage the placement of AEDs.

The proposed legislation clarifies that the person actually using the AED is covered by the existing "first aid" liability exemption; that the entity placing the AED would be exempt from liability if there was a training program; that the entity providing the training would be exempt from liability; and that the physician signing a prescription for the placement of an AED would be exempt from liability. The bill also makes it clear that it is not the intention of the General Assembly to mandate or require the placement of AEDs making that placement the accepted standard of medical care in North Carolina. The bill provides that the placement of AEDs should be encouraged but remain totally voluntary.

The Committee is recommending the following legislation:

A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY WHEN A PERSON USES AN AUTOMATED EXTERNAL DEFIBRILLATOR TO RENDER EMERGENCY HEALTH CARE TREATMENT TO ATTEMPT TO SAVE THE LIFE OF A PERSON WHO IS IN OR WHO APPEARS TO BE IN CARDIAC ARREST.

STATE TORT LIABILITY AND IMMUNITY COMMITTEE

Authority: S.L. 1999-395, HB 135

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State Tort Liability and Immunity

The State Tort Liability and Immunity Committee met four times. The Committee discussed the various legal concepts associated with governmental liability and immunity including the Tort Claims Act, the Duty to Defend State Employees, the public duty doctrine, and the liability of local governments. The Committee focused on whether the State Tort Claims limit should be raised from its current limit of \$150,000. After hearing from people injured by the negligence of a state employee, the Department of Insurance, the Attorney General's Office, and reviewing the laws of other states, the Committee concluded that the current Tort Claims limit was inadequate to cover some of the significant damages caused by the State and that the Tort Claims limit should be raised. The Committee also found that many state agencies could not afford to pay the liability in excess of \$150,000 per claim.

The Committee decided to recommend a bill to raise the State's liability for torts committed by its employees from \$150,000 to \$500,000 per claim. The bill also provides that individual State agencies would continue to be responsible for the first \$150,000 of damages as provided under current law, but damages in excess of \$150,000 are to be paid from the State Excess Liability Fund created by this bill. The bill appropriates \$2.64 million to this Fund for FY 2000-2001.

The Committee intends to continue its study of other State and local government liability and immunity issues following the 2000 Regular Session.

Based on its findings and recommendations, the State Tort Liability and Immunity Study Committee recommends the following bill to the 2000 Regular Session of the General Assembly:

A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT AND STATE LIABILITY UNDER THE DUTY TO DEFEND STATE EMPLOYEES LIABILITY AND TO PROVIDE FOR THE FUNDING OF STATE TORT LIABILITY CLAIMS IN EXCESS OF \$150,000.

This bill would raise the State Tort Claims limit from \$150,000 to \$500,000 per claim and would create the State Excess Liability Fund to cover the liability per claim in excess of \$150,000.

SALE OF STRUCTURED SETTLEMENTS COMMITTEE

Authority: S.L. 1999-395, HB 135

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Rep. Robert Hensley, Jr.
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Rep. Richard Moore
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Rep. Gregory Thompson
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VII. COASTAL ISSUES GROUPING

COASTAL BEACH MOVEMENT, BEACH RENOURISHMENT AND STORM MITIGATION COMMITTEE

Authority: S.L. 1999-395, HB 135

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Pro Tem's Appointments

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Coastal Beach Movement, Beach Renourishment, and Storm Mitigation

The Legislative Research Commission's Coastal Beach Movement, Beach Renourishment, and Storm Mitigation Study Committee met three times from January through April of 2000. The Committee heard detailed presentations on the extent and nature of beach erosion problems in North Carolina, current administrative and legislative policies that affect beach erosion issues and the economic impact of the beaches on the State's economy. The Commission also heard detailed presentations on Florida's beach management program and erosion control activities permitted in the state. The Committee is not making a report to the 2000 Session of the General Assembly, but plans to resume its deliberations at the conclusion of the 2000 Session and will report to the 2001 Session of the General Assembly.

PEDESTRIAN FERRY SERVICES COMMITTEE

Authority: S.L. 1999-395, HB 135

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Rep. William L. Wainwright
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CAPITAL INCENTIVE PROGRAM FOR TOURISM COMMITTEE

Authority: S.L. 1999-395, HB 135

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Capital Incentive Program for Tourism Committee

The Capital Incentive Program for Tourism Committee has not yet met and is not making a report to the 2000 Session.

VIII. LABOR AND STATE CONSTRUCTION GROUPING

EMPLOYMENT SECURITY AND UNEMPLOYMENT INSURANCE TAX COMMITTEE

Authority: S.L. 1999-395, HB 135

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Clerk

Ms. Peggy Anne Hogan
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Employment Security and Unemployment Insurance Tax Committee

The Employment Security and Unemployment Insurance Tax Committee met two times. At the first meeting the Committee heard presentations from the Employment Security Commission staff. The presentations dealt with the status of the unemployment insurance fund balance and challenges facing ESC during the upcoming year. At the second meeting the Committee received testimony from North Carolina

Citizens for Business and Industry (NCCBI) and from the North Carolina chapter of the National Federation of Independent Business regarding unemployment tax issues.

The Committee plans to meet one or two times in the fall in case recommendations are needed for the 2001 legislative session. At these meetings, the Committee will continue to discuss the sufficiency of the unemployment insurance trust fund balance, whether alternative tax rate adjustment triggers should be used in cases in which the fund balance becomes too large or too small, and the implementation of the 1999 legislation creating funding for worker training initiatives under the community college system and ESC reemployment efforts.

In addition, the Committee chairs will send a letter to the President Pro-Tem of the Senate and the Speaker of House requesting the some type of permanent interim committee arrangement be adopted in order to provide continuity in legislative oversight of the status of the unemployment insurance trust fund.

STATE GOVERNMENT CONSTRUCTION REVIEW AND APPROVAL COMMITTEE

Authority: S.L. 1999-395, HB 135

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Clerk

Ms. Lorraine Blake

State Government Construction Review and Approval Process Committee

The State Government Construction Review and Approval Process Committee met once. At the meeting, the Committee reviewed the work of the 1998 State Government Construction Review and Approval Process Committee. The Committee then heard from the Director of the State Construction Office who gave an overview of the current state construction review and approval process. Representatives of the State Construction Office then presented updates to the Committee on the two major initiatives they have addressed since the 1998 study. The presentations detailed changes made to the OC-25 submittal and approval process and the introduction of a new computer software program that tracks state construction projects as they move through the review, approval, and construction processes. Due to the complex nature of the state construction process and the number of significant operational issues that need to be addressed, the Committee plans to continue meeting after the 2000 Session of the General Assembly. The Committee will not report to the 2000 Session, but will continue its work and report to the 2001 Session of the General Assembly with any relevant recommendations.

IX. CRIMINAL LAWS GROUPING

CAPITAL PUNISHMENT – MENTALLY RETARDED AND RACE BASIS COMMITTEE

Authority: S.L. 1999-395, HB 135

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Capital Punishment—Mentally Retarded and Race Basis Committee

The Committee met three times. At its first meeting, the Committee reviewed the two bills introduced in the 1999 Session that were referred to the Committee as part of its charge - Senate Bill 334 (Prohibiting Death Sentence for Mentally Retarded Persons) and Senate Bill 991 (Prohibiting Death Sentence Obtained on Basis of Race). The Committee received testimony from representatives of the Criminal Division of the Attorney General's office and from the office of the Appellate Defender. At the second meeting, the Committee focused on the issue of mental retardation and the death penalty. The Committee heard from trial attorneys as well as psychologists and various mental health professionals, including representatives of the NC Psychological Association, the American Association on Mental Retardation and the Association for Retarded Citizens. At the third meeting, the committee focus was on the issue of race as a factor in capital cases. The Committee heard from attorneys and legal scholars, and received information regarding various studies that have been done in North Carolina and in other states. At each meeting the Committee has received public comment, and interested parties have been provided an opportunity to be heard on the issues. The Committee will continue its work following the 2000 Session of the General Assembly and will make a full report to the 2001 Session of the General Assembly.

BAIL BOND LAWS COMMITTEE

Authority: S.L. 1999-395, HB 135

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Ms. June Kendall
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Bail Bond Laws Committee

The Bail Bond Laws Committee held three meetings. At the first meeting the Committee heard from Tom Andrews of the Administrative Office of the Courts (AOC) who presented an overview of bail bond laws in North Carolina. He addressed problems in the bail system and ways to better assure that criminal defendants appear in court when required to do so. The Committee also heard from three other speakers who explained problems they saw in bail bonds statutes and the system these statutes regulate.

At the second meeting, the Committee heard from several speakers with expertise in the area of pretrial release in North Carolina. Presented topics included: an overview of pretrial detention and release programs; successes and funding needs of various pretrial release programs; and suggestions for improvements to the system. Committee Co-Chair, Rep. Culpepper, charged the various interested parties to meet outside the committee meetings to identify issues and make suggestions for legislative improvements.

At the third meeting, the Committee heard from Tom Andrews of AOC who reported the progress of the interested parties working group and presented the result of their efforts -- a proposed bill to modernize and simplify bail bond forfeiture statutes. Several interested parties spoke and acknowledged their support of the bill's language. One other bill was introduced and explained. This bill would create a first year apprenticeship program for bail bondsmen and upgrade criminal punishments for those who violate bail bond laws. At this meeting the Committee also approved the report to the Legislative Research Commission.

Based on the Committee's findings and recommendations, the Bail Bond Laws Committee recommends the following bills to the 2000 General Assembly:

A BILL TO BE ENTITLED AN ACT TO REQUIRE SUPERVISION OF FIRST YEAR BAIL BONDSMEN AND RUNNERS; TO MAKE IT A CLASS I FELONY FOR A PERSON TO ACT AS A RUNNER OR BAIL BONDSMAN WITHOUT OBTAINING AND MAINTAINING THE REQUIRED LICENSE OR FOR A BONDSMAN TO KNOWINGLY AND WILLFULLY FAIL TO RETURN ANY COLLATERAL SECURITY VALUED AT MORE THAN \$1500; TO REQUIRE THAT COLLATERAL SECURITY IN THE FORM OF CASH OR NEGOTIABLE INSTRUMENTS BE HELD IN TRUST ACCOUNTS; TO PROVIDE FOR THE DISPOSITION OF OUTSTANDING BAIL BOND OBLIGATIONS UPON THE DEATH OR TERMINAL ILLNESS OF A BAIL BONDSMAN; AND TO INCREASE THE MINIMUM SECURITIES DEPOSIT REQUIRED OF PROFESSIONAL BONDSMEN

This bill is designed to increase professional within the bail bonding industry by creating what is in effect a one year apprenticeship program for new bail bondsmen and runners. Along those lines this bill requires that collateral pledged as security for a bail bond be held and maintained in trust and that a greater securities deposit be made by professional bondsmen to the Department of Insurance. This bill addresses what should to occur with a bondsman's business when the bondsman become terminally ill or dies. Finally, this bill increases the criminal punishment to the felony level for violations of certain bail bond laws. The bill's effective date is October 1, 2000.

A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE BAIL BOND FORFEITURE
PROCEEDINGS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH
COMMISSION'S BAIL BOND LAWS COMMITTEE.

This bill modernizes and simplifies existing bail bond forfeiture language by rewriting much of G.S. §15A-544. The goal is to make the rules and procedures clearer to understand and therefore allow the process to run smoother. This bill lays out the procedures for entry and notice of a provisional judgment of bail forfeiture; the rules for when the judgment becomes final and docketed; and the procedures to follow to seek relief from or appeal a final judgment of forfeiture. The bill's effective date is January 1, 2001.

JUVENILE CRIME AND DELINQUENCY COMMITTEE

Authority: S.L. 1999-395, HB 135

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Juvenile Crime and Delinquency Committee

The Juvenile Crime and Delinquency Committee held two meetings. The first meeting was held at C.A. Dillon training school in Butner, NC. At that meeting, the members toured the facility and heard from the Office of Juvenile Justice (OJJ) on various issues that OJJ feels need to be addressed to improve the juvenile system. The Committee also discussed the need for prevention and early intervention programs for juveniles. At the second meeting, the Committee reviewed and approved an interim report to the LRC. The Committee will continue its work following the 2000 Session of the General Assembly and will submit a final report to the 2001 Session of the General Assembly.

The Juvenile Crime and Delinquency Committee recommends the following bill to the 2000 General Assembly:

AN ACT TO ESTABLISH PILOT PROGRAMS FOR THE USE OF ALTERNATIVE
LEARNING PROGRAMS AND JUVENILE DAY REPORTING CENTERS AS A REQUIRED
PLACEMENT FOR SUSPENDED STUDENTS.

This bill would require the Department of Public Instruction (DPI), in cooperation with the Office of Juvenile Justice, to establish four pilot programs which place suspended students in supervised programs, such as alternative learning programs or juvenile day reporting centers, during the term of the suspension. DPI and OJJ would develop the pilots and report to the 2002 Session of the General Assembly on the implementation of the programs.

X. GOVERNMENT RECORDS AND TELEPHONE SOLICITATION GROUPING

CENTRAL REGISTRY FOR LIVING WILLS AND ORGAN DONATIONS COMMITTEE

Authority: S.B. 1999-395, HB 135

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Ms. Desiree Hillard
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Dr. John W. Steele
Pitt County Memorial Medical Hospital
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Rep. Howard Hunter
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Rep. Jean Preston
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Rep. Gene Wilson
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Boone, NC 27607
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Clerk

Ms. Mary Capps
(919) 733-5757

Central Registry for Living Wills and Organ Donors

The Central Registry for Living Wills and Organ Donors met two times. At the first meeting, the committee heard an overview of current law regarding living wills, organ donors, and health care powers of attorney from committee counsel and heard a briefing regarding technical issues involved with creating and maintaining an online registry by Dennis McCarty of the Information Systems Division of the General Assembly. Additionally, representatives of the North Carolina Bar Association, the Carolina Organ Procurement Agency, the North Carolina Medical Society, and the North Carolina Hospital Association addressed the committee about the establishment of a statewide registry.

At the second meeting, the committee heard a presentation by a representative of Hospice for the Carolinas. The committee devoted the remainder of the second meeting to discussion of the registry and to

the development of a plan regarding the registry. The committee decided to recommend that a central registry for living wills, health care powers of attorney, and organ donors be established. The committee decided that a reproduction of the particular document should be entered into the registry by a designated State agency and that the registry should be available online to a limited number of individuals. Registration of a document with the registry would not affect the validity of the document or of a subsequent revocation of that document. However, a health care provider would have civil and criminal immunity for good-faith reliance upon information obtained from that registry.

There were several issues that were not decided at the second meeting. The committee will address these issues at one or more meetings after the Short Session. Specifically, the committee still needs to decide the following issues:

1. Which agency should have responsibility for maintaining and entering information into the registry.
2. What are appropriate fees for entering information into the registry.
3. What are appropriate timelines for entering information into the registry.
4. How should access to the registry be limited in order to maintain confidentiality while allowing all concerned individuals access to part or all of the registry.

The committee is not making an interim report to the 2000 Session of the General Assembly. The committee plans to continue its work following the 2000 Session of the General Assembly and plans to make a final report to the 2001 General Assembly. The committee plans to recommend legislation creating a statewide registry as part of its final report.

DIGITIZATION OF PUBLIC RECORDS BY STATE ARCHIVES COMMITTEE

Authority: S.L. 1999-395, HB 135

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Pro Tem's Appointments

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Digitization of Public Records by State Archives

The Legislative Research Commission's (LRC) on Digitization of Public Records by State Archives met four times to study issues relating to the digitization of public records.

The primary focus of the Committee during the 1999-2000 interim was that of fact finding and information gathering. The Committee received significant information in terms of both content and volume relative to the status of the State's public records system, the requirements of some of the users of the system; and an on-site assessment of the digitized public records system in the State of Virginia. However, there was not sufficient time to complete this research prior to the 2000 Short Session. More extensive work and exploration of issues are planned for the 2000-01 interim. In its findings the Committee identified the following issues or areas:

Findings

1) Paper and microfilm continue to offer a more permanent means of maintaining public records. Digitization is a medium for access but not for preservation, and a plan to address public records storage is essential to preservation of archival documents.

2) The massive volumes of information held in depositories statewide necessitate development of consistent standards for both organization and description of information and Internet access that follows the old-fashioned library cataloging system; and preparation of a workable plan for access, i.e. digitization.

3) The Division of Archives and History needs to resume the input of data into the Manuscript and Archives Reference System (MARS), the primary finding-aid for archival information.

Recommendation

The LRC on Digitization of Public Records by State Archives should continue its research of digitized public records systems, and develop a plan with recommendations for digitization of North Carolina's public records and for implementation of the system in the future.

TELEPHONE SOLICITATION COMMITTEE

Authority: S.L. 1999-395, HB 135

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Telephone Solicitation Committee

The Committee on Telephone Solicitation held three meetings. At the first meeting the Committee studied HB 1080 (Telephone Solicitation). The Committee heard a bill explanation from staff. In addition the Attorney General's Office, the Secretary of State's Office and stakeholders commented on the bill. At the second meeting, Representative Allen introduced a bill that mirrors the federal law on telephone solicitation. Again, staff presented a bill summary and a member of the public, the Attorney General's Office, the Secretary of State's Office and stakeholders made comments concerning Representative Allen's

bill. Staff was instructed to meet with the Attorney General's staff to work on the bill and staff was also instructed to prepare a final report. At the third and final meeting the final report was adopted.

Findings and Recommendations

The Committee on Telephone Solicitation finds that the public interest requires the establishment of a mechanism under which the citizens of North Carolina can decide whether or not they wish to receive telemarketing calls in their homes. The Committee further finds that the rights to privacy and to commercial speech can be balanced in a way that accommodates both the privacy of individuals and legitimate telemarketing practices.

Based on the committee's findings and recommendations, the Committee on Telephone Solicitation recommends the following bill to the 2000 General Assembly:

A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSUMERS WITH CONTROL OVER TELEPHONE SOLICITATION CALLS TO THEIR HOMES.

This bill (1) requires telephone solicitors doing business in this State to identify themselves when they call and inquire at the beginning of the call whether the person called consents to the solicitation; (2) requires telephone solicitors doing business in this State to remove residential telephone subscribers from their contact lists when those subscribers request to be removed; (3) limits telephone solicitations in this State to the hours of 8 a.m. to 9 p.m.; (4) prohibits telephone solicitors from blocking the transmission of Caller ID; and (5) directs the Utilities Commission to require local carriers to notify their residential subscribers of this new State law, of the federal laws pertaining to telephone solicitation, and of private industry programs allowing consumers to be placed on "do not call" lists. The notification would be placed at least once a year in all telephone bills sent to residential subscribers and conspicuously published in all telephone books.

XI. CONSUMER PROTECTION GROUPING

CONSUMER PROTECTION COMMITTEE

Authority: S.L. 1999-395, HB 135

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Clerk

Ms. Melissa Riddle
(919) 733-5601

Consumer Protection Committee

The Consumer Protection Committee met five times prior to the 2000 Regular Session of the 1999 General Assembly. At its first meeting, the Committee heard a report on the role of the Office of Commissioner of Banks in supervising certain lenders and providing consumer protection, presented by Reitzel Deaton, Consumer Finance Administrator in the Office of Commissioner of Banks. The second meeting was devoted to a review of concerns under the Consumer Finance Act. The Committee heard from

industry representatives, consumer representative and the Attorney General's Office. The third meeting focused on Check Cashers. The Committee heard from a representative of the North Carolina Check Cashers Association, and representatives from several consumer groups, as well as the Attorney General's Office. At the fourth meeting, the Committee resumed discussions relating to the Consumer Finance Act. The Committee considered a legislative proposal advanced by the industry. After a discussion, the Committee agreed to include the proposal in its interim report, with some modifications. At its final meeting, the Committee approved the interim report to be submitted to the Legislative Research Commission.

The Committee recommends the following bill to the 2000 Session of the 1999 General Assembly:

A BILL TO BE ENTITLED AN ACT TO REVISE THE APPLICABLE INTEREST RATES ON LOANS MADE PURSUANT TO THE CONSUMER FINANCE ACT UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE FOR CERTAIN LOANS, TO ALLOW BORROWERS TO CANCEL LOANS UNDER CERTAIN CIRCUMSTANCES, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, AND TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS.

This bill amends the Consumer Finance Act to eliminate the current blended interest rate structure for optional rate lenders and replace it with a step rate structure. It also authorizes optional rate lenders to charge a loan processing fee and late payment penalty. The bill also proposes to allow borrowers to cancel loans under certain circumstances and requires additional disclosure on solicitation of loans by facsimile or negotiable checks.

With regard to the Check Cashers Act, the Committee recommends that the General Assembly not take any action to amend the Act until the 2001 Session, when it will receive the Commissioner of Banks report. The Committee further recommends that the Attorney General's Office be requested to review the Commissioner's report and make any recommendations it deems appropriate.

CREDIT INSURANCE AND MORTGAGE CREDIT COMMITTEE

Authority: S.L. 1999-332, SB 1149

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Pro Tem's Appointments

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Credit Insurance and Mortgage Credit

The Credit Insurance and Mortgage Credit Committee met four times. The Committee focused its considerations on the financing of credit insurance premiums and whether there were circumstances in which consumers would benefit from permitting a lender to finance credit insurance premiums, which practice will be prohibited by law beginning July 1, 2000. The Committee heard from the credit insurance industry, consumer groups, and the NC Attorney General's Office. Based on information presented to it, the Committee found that financing of single premium credit insurance provides no benefits to consumers but that purchasing credit insurance on a monthly basis may be appropriate in some circumstances. The Committee also found that the language in the current law could be interpreted to mean that the only permissible credit insurance is credit insurance on which the premium is calculated monthly on the declining loan balance which could result in different payments each month. The Committee found that consumers would benefit if they had the option of paying level monthly premiums, so long as the premiums are not financed as part of the consumer home loan.

The Committee decided to recommend a bill to clarify that premiums for credit insurance could be charged, collected, and paid only on a monthly basis for the term of the insurance coverage and could be charged on a level premium basis.

Based on its findings and recommendations, the Credit Insurance and Mortgage Credit Committee recommends the following bill to the 2000 Regular Session of the General Assembly:

A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CREDIT INSURANCE MAY BE PAID ON A LEVEL CHARGE MONTHLY BASIS WITHOUT VIOLATING THE LAW RELATING TO CONSUMER PROTECTIONS IN CERTAIN HOME LOANS.

This bill would permit premiums for credit insurance on a consumer home loan to only be charged and paid on a monthly basis for the term of the coverage, and would permit the premium to be paid on a level-premium basis.

The LRC at its meeting May 4, 2000 reviewed this Committee's report and accepted it for transmittal to the 2000 Regular Session of the 1999 General Assembly.

PREDATORY LENDING COMMITTEE

Authority: SL 1999-332, SB 1149

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**PART II. SUMMARIES OF REFERRALS TO AGENCIES
AND EXISTING STUDY COMMISSIONS**

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Immunization for Residents and Employees of Nursing Homes, Adult Care Homes and Adult Day Care Homes

The Commission reviewed the topic of immunization for residents and employees of nursing homes, adult care homes and adult day care homes at several meetings with the help of Older Adults Immunization Program within the Department of Health and Human Services. Evidence presented suggests that morbidity and mortality can be very high among the elderly institutionalized population who contracts influenza and/or pneumococcal disease. A suggested strategy to combat these types of outbreaks is to require adult care home and nursing homes to ensure that residents and employees of nursing homes and adult care homes be immunized against influenza virus. Adult care homes and nursing homes should also ensure that residents be immunized against pneumococcal disease. Therefore, included within the North Carolina Study Commission's *Report to the 1999 General Assembly (2000 Regular Session)* is a bill to implement these findings entitled:

AN ACT TO REQUIRE THAT ADULT CARE HOMES AND NURSING HOMES ENSURE THAT RESIDENTS AND EMPLOYEES ARE IMMUNIZED AGAINST INFLUENZA VIRUS AND THAT RESIDENTS ARE IMMUNIZED AGAINST PNEUMOCOCCAL DISEASE.

This bill would require nursing homes and adult care homes to ensure the immunization of its residents and employees against influenza. The bill would also require nursing homes and adult care homes to ensure immunization for residents for pneumococcal disease. No individual within these two types of long-term care facilities would be required to receive either an influenza vaccine or pneumococcal vaccine if the vaccine is medically contraindicated, or if the vaccine is against the individual's religious beliefs, or if the individual refuses the vaccine after being fully informed of the health risks of not being immunized.

Biannual Inspection and Grading of Adult Care Homes

The Commission has had a great interest in this topic over a number of years and welcomed the direction given by the Legislative Research Commission to more thoroughly analyze the possibility of such a system that would give consumers help in selecting an appropriate facility. To further this analysis, the Commission appointed a subcommittee to study the issues in some detail. It was learned by the subcommittee that a national research group is also studying the issues and is using North Carolina in this study. Therefore, the Commission has modified its schedule to parallel these national efforts. A report will be made to the 2001 General Assembly on this issue.

Rationale and Appropriateness of Present Cost-Sharing of Nonfederal Costs of Medicaid

The 1999 General Assembly directed the Secretary of the Department of Health and Human Services to develop a system that provides a continuum of long-term care for the elderly and disabled and to examine long-term care issues affecting older adults. The Institute of Medicine is conducting this study for the Secretary. The Commission believes that no financing issues should be addressed until this long-term care plan is presented to the General Assembly. Therefore, the Commission chose not to study the issue before the 1999 General Assembly (2000 Regular Session).

Long-Term Care Facility Licensure Compliance

The Commission took no action on this assignment. As mentioned above, the Commission awaits the Long-term care report from the Secretary before making any recommendations about how long-term care facilities should be regulated.

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Imported Red Fire Ants

The Agriculture and Forestry Awareness Study Commission heard presentations on the problems with imported fire ants in North Carolina and the limited resources available to deal with the problem at the current time. The Commission did not take any action on the issue and will not be reporting on this issue to the 2000 General Assembly. The Commission will continue its deliberations at the conclusion of the 2000 Session.

North Carolina Apple Industry

The Agriculture and Forestry Awareness Study Commission heard presentations from the North Carolina Apple Associations on problems within the industry due to loss of local processors and low prices due to the import of juice from China. Efforts are being made to increase the profitability of the apple industry through increases in the market for fresh apples. The Commission did not take any action on the issue and will not be reporting on this issue to the 2000 General Assembly. The Commission will continue its deliberations at the conclusion of the 2000 Session.

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The Courts Commission has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

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Driver Education Programs; Teen Drivers

The Joint Legislative Education Oversight Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

Seat Belts on School Buses

The Joint Legislative Education Oversight Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

School Boards Review of Applicable Court Orders

The Joint Legislative Education Oversight Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

Election, Terms, and Constitution of The Board of Governors of The University of North Carolina

The Joint Legislative Education Oversight Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

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State Agencies' Customer Service Quality Assurance

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Procurement Card Pilot Program of the Department of Administration

The Joint Select Committee on Information Technology has not yet addressed this issue. The Commission is not making a report on this issue to the 2000 Session.

Ways to Improve the Quality of Documents Recorded in the Office of the Register of Deeds

At its April 2000 meeting, the Joint Select Committee on Information Technology had a presentation from Ann Shaw, President of the North Carolina Association of Register of Deeds. Ms. Shaw reviewed Senate Bill 873, which was introduced in the 1999 Session and referred to the Joint Select Committee on Information Technology for study. The Committee endorses the proposals presented on behalf of the Land Records Committee of the N.C. Association of Registers of Deeds, and recommends that the legislature enact:

A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY OF DOCUMENTS
RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS.

ENVIRONMENTAL REVIEW COMMISSION

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Environmental Impacts; Sources of Pollution

The Legislative Research Commission referred the study of environmental impacts and sources of pollution authorized by S.L. 1999-395, Sec. 2.1(6), to the Environmental Review Commission (ERC). The ERC has heard and discussed a number of reports on water and air pollution, as well as issues related to the cleanup and redevelopment of contaminated sites. These reports identified urban and agricultural runoff as the biggest contributors to surface water impairment, and dry cleaning solvents as a major source of soil and groundwater pollution. The reports also identified electric utilities and automobiles as the primary sources of nitrogen oxides (NOx) in the air. NOx combines with sunlight to form ground-level ozone, and the ERC was informed that failing to meet national air quality standards for ground-level ozone could jeopardize federal transportation funding for local highway projects.

The ERC has voted to recommend several measures addressing these issues to the 2000 Regular Session of the 1999 General Assembly. These include amendments to the Dry Cleaning Solvent Cleanup

Act and a tax incentive for dry cleaners that do not use hazardous solvents, as well as tax incentives for the risk-based cleanup and redevelopment of contaminated “brownfield” sites. The ERC is also considering recommendations to modify the fee and technology required for automobile emissions inspections.

Wastewater System Construction Permits and Related Issues

The Legislative Research Commission referred the study of wastewater system construction permits and related issues that was authorized by SL 1999-395, Section 2.1, Subsection 6, to the Environmental Review Commission (ERC). The ERC heard reports from the Environmental Management Commission (EMC) and the Division of Water Quality in the Department of Environment and Natural Resources on the holistic wastewater collection system permit program required by the Clean Water Act of 1999 (SL 1999-329) and the results of a study on the benefits and feasibility of requiring privately-owned wastewater treatment systems to connect to publicly-owned systems. This study was also required by SL 1999-329.

The ERC was informed that on February 10, 2000, the EMC enacted temporary rules to permit collection systems on a holistic basis, rather than permitting individual sewer extensions as it had formerly. The new collection system permits will require compliance with planning, operation and maintenance standards, which are intended to reduce releases of untreated sewage. The ERC was also informed that there was strong support for requiring that non-compliant wastewater treatment systems connect to regional systems, but that targeting privately-owned systems was not necessarily the most advisable approach, because many small municipalities and schools have more compliance problems than privately-owned systems.

Acquisition of Additional Parklands at Lake James State Park

The Legislative Research Commission referred to the Environmental Review Commission (ERC) the study of the acquisition of additional parklands at Lake James State Park as stated in S.L. 1999-395, Sec. 2.1(1)(f). The ERC considered this matter at its January 20, 2000 meeting. Dr. Philip K. McKnelly, Director of the Division of Parks and Recreation, Department of Environment and Natural Resources, provided the ERC with background information on this matter. Lake James State Park, which is located in Burke and McDowell Counties, is a very popular park, and the facilities are inadequate to accommodate the level of visitation according to Dr. McKnelly. The Department of Environment and Natural Resources and Duke Energy, the owner of the property surrounding the park, have been discussing a transfer of some of the acreage adjacent to the park. The ERC may continue to consider this matter.

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**Health Reform Recommendations of the Health Care Planning Commission
and Its Advisory Committees**

The Joint Legislative Health Care Oversight Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

Pharmacy Choice/Competition

The Joint Legislative Health Care Oversight Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

Spinal Manipulation Treatment

The Joint Legislative Health Care Oversight Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

Health Professions Scope of Practice

The Joint Legislative Health Care Oversight Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

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Joint Legislative Public Assistance Commission

At its August 25, 1999, meeting, the Legislative Research Commission (LRC) requested that the Joint Legislative Public Assistance Commission (JLPAC) study two issues that had been originally been assigned to the LRC. These issues were hunger and nutrition and child care subsidy rates. JLPAC met three times and heard numerous reports and presentations on the areas assigned to it by statute and the issues transferred to it from the LRC. JLPAC is submitting a report to the 2000 Regular Session of the 1999 General Assembly and makes the following findings and recommendations:

Hunger and Nutrition

JLPAC finds that programs for the alleviation of hunger in the State of North Carolina are currently underutilized. JLPAC recommends that the General Assembly direct the Department of Public Instruction and the Department of Health and Human Services, in conjunction with the Department of Agriculture, representatives from the statewide system of food banks, the N.C. Hunger Network, and other state and local agencies, to study the reasons behind the under-utilization of the programs. The Departments should be directed to identify any actions that can be taken under current law to increase participation in those programs and to implement those actions before the beginning of the 2000-2001 school year. The Departments should be directed to report to JLPAC by October 1, 2000, on the actions taken and on any additional needs or recommendations of the Departments. Additionally, the Department of Health and Human Services, in conjunction with the Department of Agriculture, representatives from the statewide system of food banks, the N.C. Hunger Network, the N.C. Nutrition Network, and other state and local agencies should study the reasons behind the under-utilization of the Food Stamps Program. The Department of Health and Human Services, in conjunction with the Department of Agriculture, representatives from the state-wide system of food banks, the N.C. Hunger Network, the N.C. Nutrition Network and other state and local agencies, should be directed to identify any actions that can be taken under current state and federal laws and regulations to increase participation in this program and to implement those actions as soon as practicable. The Department of Health and Human Services should be directed to report to JLPAC by October 1, 2000, on the actions taken and on any additional needs or recommendations of the Department by October 1, 2000.

Based on its findings, JLPAC recommends the following bill to the General Assembly:

A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE SCHOOL LUNCH, SCHOOL BREAKFAST, AND SUMMER FOOD SERVICE PROGRAMS AND TO MODIFY IMPLEMENTATION OF THOSE PROGRAMS AS ALLOWED UNDER CURRENT LAW; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE FOOD STAMPS PROGRAM AND TO MODIFY IMPLEMENTATION OF THAT PROGRAM AS ALLOWED UNDER CURRENT LAW.

Child Care Subsidy Issues

JLPAC finds that the current system of child care subsidies does not fully promote the provision of high-quality child care. JLPAC recommends that the General Assembly direct the Division of Child Development to establish definite timelines for conducting market rate studies and for publishing and implementing the results of those studies. Further, the Division of Child Development should be required to set the child care subsidy rate at 75% of the market rate for the applicable rated level of child care.

Based on its findings, JLPAC recommends the following bill to the General Assembly:

A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT TO CONDUCT A MARKET RATE STUDY FOR CHILD CARE SUBSIDIES EVERY TWO YEARS; TO REQUIRE THAT THE RESULTS OF THE STUDY BE

PUBLISHED AND NEW MARKET RATES BE IMPLEMENTED WITHIN SIX MONTHS AFTER THE STUDY IS COMPLETED; TO REQUIRE THAT CHILD CARE SUBSIDIES BE SET AT THE SEVENTY-FIFTH PERCENTILE OF THE COUNTY MARKET RATE; AND TO CHANGE THE WAY CHILD CARE SUBSIDIES ARE SET FOR THE 2000-2001 FISCAL YEAR.

This bill would implement the recommendations of JLPAC and would provide for the setting of interim rates while these recommendations are being implemented.

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Group B Streptococcus and Effects on Pregnant Women and Infants

The Public Health Study Committee has not yet addressed this issue. The Committee is not making a report on this issue to the 2000 Session.

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Consolidated Income Tax Returns

The Revenue Laws Study Committee considered many issues this past interim, but it had to defer many other issues until the fall. The issue of consolidated income tax returns is an issue that will remain on the Committee's list of topics to address this fall.

Property Tax Exemptions for Nonprofit Institutions

The Revenue Laws Study Committee began its study of property tax exemptions for nonprofit institutions by limiting its focus to continuing care retirement communities. The Committee appointed a subcommittee to recommend a fair property tax system for continuing care retirement centers that are not charitable. Charitable retirement centers are exempt from property tax, but the General Assembly has struggled with the question of taxing non-profit centers that do not meet the definition of charitable. The most recent law governing these non-charitable centers sunsets July 1, 2000. Various interested parties met six times but were unable to reach an agreement that was acceptable to taxpayers and local governments. As a result, the Revenue Laws Study Committee recommends to the 2000 Regular Session of the 1999 General Assembly that the sunset of the current law be extended for one year to give the parties more time to work out a compromise. The bill is included in the Revenue Laws Study Committee report as Legislative Proposal 4:

A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROPERTY TAX TREATMENT OF A HEALTH CARE FACILITY UNDERTAKEN BY THE MEDICAL CARE COMMISSION PURSUANT TO THE HEALTH CARE FACILITIES FINANCE ACT AND TO EXTEND THE SUNSET ON THE PROPERTY TAX EXEMPTION FOR CONTINUING CARE RETIREMENT CENTERS.

**COMMISSION TO ADDRESS SMART GROWTH,
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Development Rights Transfer and the Creation of Development Rights Banks

The Legislative Research Commission referred the study on development rights transfers and the creation of development banks authorized by SL 1999-395, Section 2.1, Subsection 12, to the Commission to Address Smart Growth, Growth Management, and Development Issues (Smart Growth Commission). The Smart Growth Commission has formed a working group to study farm and open space conservation. This working group has discussed transfer of development rights programs, but has not yet thoroughly studied the issue or made any recommendations. The Smart Growth Commission will continue studying this issue and make its final recommendations, if any, to the 2001 Regular Session of the 2001 General Assembly.

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Trucking Safety

The LRC authorized the Joint Legislative Transportation Oversight Committee to study trucking safety (HB 1249 Section 2.1(9) a). The Committee has not yet addressed this issue and is not making a report on this issue to the 2000 Session.