

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1261  
Committee Substitute Favorable 7/15/91

Short Title: The Studies Act of 1991.

(Public)

Sponsors:

Referred to:

May 10, 1991

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

PART I.—TITLE

Section 1. This act shall be known as "The Studies Act of 1991."

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An outline of the provisions of the act follows this section. The outline shows the heading "—CONTENTS/INDEX—" and lists by general category the descriptive captions for the various sections and groups of sections that compile the act.

—CONTENTS/INDEX—

This outline is designed for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act. The listing of the original bill or resolution in the outline of this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the provisions contained in the original bill or resolution.

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32 THE MARINE FISHERIES COMMISSION TO GRANT SHELLFISH LEASES TO  
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34 NATURAL RESOURCES.

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39 PART XIII.—STATE PERSONNEL STUDY COMMISSION

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12           (H.B. 1261 - N.J. Crawford)

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24 PART XVI.—APPROPRIATION FOR STUDIES

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29

30 PART II.—LEGISLATIVE RESEARCH COMMISSION

31           Sec. 2.1. The Legislative Research Commission may study the topics listed  
32 below. Listed with each topic is the 1991 bill or resolution that originally proposed the  
33 issue or study and the name of the sponsor. The Commission may consider the original  
34 bill or resolution in determining the nature, scope, and aspects of the study. The topics  
35 are:

36           (1) Revenue Laws and the Administration of these Laws, including  
37 reviewing the State's revenue laws to determine which laws need  
38 clarification, technical amendment, repeal, or other change to make the  
39 laws concise, intelligible, easy to administer, and equitable—study  
40 continued (H.J.R. 7 - Lilley),

41           (2) Surface Water Issues, including consumptive uses of water and the  
42 effect of such uses on the State's water resources, other present and  
43 projected uses of water, impoundments, and water resources  
44 management—study continued (H.J.R. 127 - Payne, S.J.R. 85 - Block),

- 1 (3) State Parks and Recreation Areas—study continued (H.B. 141 - N.J.  
2 Crawford),
- 3 (4) Homeless Persons—study continued (H.J.R. 164 - Lutz),
- 4 (5) Worker Training Trust Fund—study continued (H.B. 170 - James, S.B.  
5 203 - Raynor),
- 6 (6) Department of Transportation Condemnation Practices and  
7 Procedures, including the determination of land to be taken, the  
8 negotiations with the owner, "quick take" procedures, bringing the  
9 condemnation action in court, the compensation, and the award of  
10 interest paid on the compensation award (H.B. 261 - Gamble),
- 11 (7) Education and Training of Nurses and Shortage of Nurses (H.B. 312 -  
12 Nesbitt, S.B. 276 - Daniel),
- 13 (8) All Issues, Including Insurance Coverage, Relating to Individual,  
14 Personal Liability of State Personnel for Official Acts (H.B. 509 -  
15 Flaherty),
- 16 (9) Alternative Approaches to Deal with Discrimination in Employment  
17 (H.B. 555 - Kennedy),
- 18 (10) Information on the Financial Soundness of Financial Institutions (H.B.  
19 580 - Gamble),
- 20 (11) Turfgrass and Forage Assessment, including the issue of allowing  
21 producers and others in the industry to levy upon themselves an  
22 assessment for the purpose of generating funds for research and  
23 educational activities relating to the use of turfgrass and forage (H.B.  
24 633 - James, S.B. 702 - Murphy),
- 25 (12) Financial Institutions, including regulations and taxes applicable to  
26 commercial banks, savings institutions, and credit unions (H.J.R. 696 -  
27 Gamble),
- 28 (13) Public Transportation (H.J.R. 700 - Hurley),
- 29 (14) Governor's Powers (H.J.R. 731 - James),
- 30 (15) Crop Depredation Caused by Wildlife such as Deer and Bear (H.J.R.  
31 732 - James),
- 32 (16) Boating and Water Safety (H.B. 834 - Brawley),
- 33 (17) Transfer of the Soil and Water Conservation Division of the  
34 Department of Environment, Health, and Natural Resources to the  
35 Department of Agriculture (H.J.R. 856 - James),
- 36 (18) Transfer of the Forest Resources Division of the Department of  
37 Environment, Health, and Natural Resources to the Department of  
38 Agriculture (H.J.R. 857 - James),
- 39 (19) Use of Prison Inmates (H.J.R. 867 - Albertson),
- 40 (20) Regulation of Temporary and Other Employment Agencies (H.J.R.  
41 917 - Wainwright),
- 42 (21) Workers' Compensation for Farm Workers (H.B. 952 - Hackney),

- 1 (22) Inequities in the Salaries of Equally Qualified Minorities, Females, and
- 2 Nonminority Males within Occupational Categories in State
- 3 Employment (H.B. 957 - Fitch, S.J.R. 839 - Martin of Guilford),
- 4 (23) Glass and Plastic Beverage Container Deposits and Refunds (H.B.
- 5 1007 - Gottovi),
- 6 (24) Amortization of Nonconforming Uses of Property (H.B. 1009 - S.
- 7 Hunt),
- 8 (25) Ways to Promote the Conservation of Energy and the Use of
- 9 Renewable Energy Sources in Residential, Commercial, Industrial, and
- 10 Public Facilities (H.J.R. 1021 - Luebke, S.J.R. 789 - Plexico),
- 11 (26) Rights of Victims of Crime (H.B. 1033 - Grady),
- 12 (27) Prehospital Emergency Cardiac Care (H.J.R. 1051 - Green),
- 13 (28) Promoting the Development of Environmental Science and Bridging
- 14 Environmental Science and Technology with Public Policy Decision
- 15 Making (H.B. 1070 - Woodard),
- 16 (29) Economic Development and Revitalization of Downtowns (H.J.R.
- 17 1083 - Hasty),
- 18 (30) Methods to Increase the Developmental Lending Capacity of Financial
- 19 Institutions to Strengthen Low and Moderate Income Communities
- 20 (H.B. 1084 - McAllister),
- 21 (31) Hazardous Waste Treatment and Disposal—study continued, (H.J.R.
- 22 1095 - Hightower),
- 23 (32) Feasibility of Toll Roads (H.B. 1098 - Bowman),
- 24 (33) Basic Civil Rights of Law Enforcement Officers (H.J.R. 1130 -
- 25 Miller),
- 26 (34) Statewide Comprehensive Planning (H.J.R. 1157 - Hardaway),
- 27 (35) Length of the School Year and Compulsory School Attendance Ages
- 28 Issues (H.B. 1186 - Rogers),
- 29 (36) Management of Hazardous Materials Emergencies and Establishment
- 30 of Regional Response Teams (H.B. 1210 - Flaherty),
- 31 (37) Firefighter Benefits, including retirement, death, and disability (H.J.R.
- 32 1211 - Fitch),
- 33 (38) Railroads—study continued, including the present condition of the rail
- 34 transportation system, the future of railroads, rail revitalization, and
- 35 rail corridor preservation (H.J.R. 1226 - Abernethy, S.J.R. 906 -
- 36 Block),
- 37 (39) Uniform Administration of All County Register of Deeds Offices
- 38 (H.B. 1232 - Buchanan),
- 39 (40) Transfer of the Health Divisions from the Department of Human
- 40 Resources to the Department of Environment, Health, and Natural
- 41 Resources (H.J.R. 1280 - Jeralds),
- 42 (41) Regulation of Aerial Application of Pesticides (H.J.R. 1289 - James),

1 (42) Minority Tourism Proposal, including ways to encourage minorities to  
2 visit the State for the purposes of tourism, conferences, and  
3 conventions (H.J.R. 1292 - Hardaway),

4 (43) Annexation Laws (H.J.R. 1295 - Decker), and

5 (44) Pay Plan for State Employees.

6 Sec. 2.2. Child Day Care Issues (H.B. 1062 - Easterling). The Legislative  
7 Research Commission may study the issue of child day care. The study may focus its  
8 examination on the issues related to child day care as they relate to availability,  
9 affordability, and quality of child day care in North Carolina, including:

10 (1) Prior recommendations of other study commissions which have  
11 reviewed child day care services since 1980 and an assessment of  
12 compliance with these recommendations;

13 (2) The advantages and costs associated with measures to improve the  
14 quality of day care, including lowering staff/child ratios, enhancing  
15 day care teacher credentialing, improving training of day care teachers,  
16 and improving the salaries of all day care workers;

17 (3) Measures to enhance the availability and affordability of day care in  
18 currently underserved areas of the State, especially rural communities;

19 (4) Ways to maximize the positive impact on North Carolina's child day  
20 care providers and resource and referral networks from the availability  
21 of federal funds under the Child Care Block Grant;

22 (5) The implementation of the Governor's Uplift Child Day Care  
23 initiative;

24 (6) The current statutory regulation of child day care and the procedures  
25 used to develop policies and rules under the current structure; and

26 (7) The relationship between child day care services offered by for-profit  
27 and nonprofit, public and private, day care providers to other potential  
28 sources of child care and child development services including Head  
29 Start programs and North Carolina's public schools, with a view  
30 toward developing a unified State policy for funding and delivery of  
31 all early childhood development services.

32 Sec. 2.3. Committee Membership. For each Legislative Research  
33 Commission Committee created during the 1991-93 biennium, the cochairs of the  
34 Commission each shall appoint a minimum of seven members.

35 Sec. 2.4. Reporting Dates. For each of the topics the Legislative Research  
36 Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the  
37 Commission may report its findings, together with any recommended legislation, to the  
38 1992 Regular Session of the 1991 General Assembly or the 1993 General Assembly, or  
39 both.

40 Sec. 2.5. Bills and Resolution References. The listing of the original bill or  
41 resolution in this Part is for reference purposes only and shall not be deemed to have  
42 incorporated by reference any of the substantive provisions contained in the original bill  
43 or resolution.

1           Sec. 2.6. Funding. From the funds available to the General Assembly, the  
2 Legislative Services Commission may allocate additional monies to fund the work of  
3 the Legislative Research Commission.

4  
5 PART III.—SOCIAL SERVICES STUDY COMMISSION

6                   (H.B. 173 - Easterling)

7           Sec. 3.1. There is reestablished and continued the Social Services Study  
8 Commission, an independent commission, to study public social services and public  
9 assistance in North Carolina and to recommend improvements that will assure that  
10 North Carolina has cost-effective, consistently administered public social services and  
11 public assistance programs.

12           Sec. 3.2. The Commission shall consist of nine members. The Speaker of the  
13 House of Representatives shall appoint three members. The President Pro Tempore of  
14 the Senate shall appoint three members. The Governor shall appoint three members.  
15 Vacancies shall be filled by the official who made the initial appointment using the  
16 same criteria as provided by this section.

17           Sec. 3.3. The President Pro Tempore of the Senate and the Speaker of the  
18 House of Representatives shall each appoint a cochair of the Commission from their  
19 appointees. The cochairs shall call the first meeting and preside at alternate meetings.

20           Sec. 3.4. The Social Services Study Commission shall continue to examine  
21 the need for improvements in the State's social services system and develop legislation  
22 to address those needs. The Commission shall also provide oversight and review the  
23 further development and implementation of the Social Services Plan. The Commission  
24 shall also monitor and review efforts within the Department of Human Resources to  
25 plan for the efficient and timely implementation of federal welfare reform provisions.

26           Sec. 3.5. The Commission members shall receive no salary for their services  
27 but shall receive subsistence and travel expenses in accordance with the provisions of  
28 G.S. 120-3.1, 138-5, and 138-6, as applicable.

29           Sec. 3.6. Subject to the provisions of G.S. 120-32.02, the Commission may  
30 solicit, employ, or contract for professional, technical, or clerical assistance, and may  
31 purchase or contract for the materials or services it needs. Subject to the approval of the  
32 Legislative Services Commission, the professional and clerical staff of the Legislative  
33 Services Office shall be available to the Commission, and the Commission may meet in  
34 the Legislative Building or the Legislative Office Building. With the consent of the  
35 Secretary of the Department of Human Resources, staff employed by the Department or  
36 any of the divisions may be assigned permanently or temporarily to assist the  
37 Commission or its staff.

38           Sec. 3.7. Upon request of the Commission or its staff, all State departments  
39 and agencies and all local governmental agencies shall furnish the Commission or its  
40 staff with any information in their possession or available to them.

41           Sec. 3.8. The Commission shall submit a final written report of its findings  
42 and recommendations to the Governor, the Speaker of the House of Representatives,  
43 and the President of the Senate before or upon the convening of the 1993 Session of the  
44 General Assembly. The Commission shall terminate upon the filing of the report.



1           Sec. 3.9. There is allocated from the funds appropriated to the General  
2 Assembly's Legislative Services Commission the sum of \$15,000 for the 1991-92 fiscal  
3 year and the sum of \$10,000 for the 1992-93 fiscal year for the expenses of the  
4 Commission created by this Part.

5  
6 PART IV.—COMMISSION ON ACCESS TO HEALTH INSURANCE

7           (H.B. 1077 - Gottovi, S.B. 595 - Perdue)

8           Sec. 4.1. The Commission on Access to Health Insurance is created. The  
9 Commission shall study the issues involved in designing a program to ensure that all  
10 citizens of the State have access to affordable health insurance that provides coverage  
11 for basic health care needs. In conducting its study, the Commission shall consider:

- 12           (1) Programs the State could implement to provide health insurance  
13 coverage at an affordable price to all North Carolinians, including the  
14 feasibility of:
- 15           a. An employer-based health insurance plan, which would include  
16 a State pool to cover those who are not in the labor force, and  
17 the need for tax incentives to enable certain employers to offer  
18 health insurance; and
  - 19           b. A comprehensive single payor plan, based on the Canadian  
20 health care model.
- 21           (2) Methods of containing the rising costs of health insurance.  
22           (3) The need for health insurance reform.  
23           (4) The benefits to be included in a basic health care package.  
24           (5) How the Access Forum, convened by the North Carolina Institute of  
25 Medicine, and other states have proposed to address the problem  
26 surrounding access to adequate and affordable health insurance.

27           Sec. 4.2. The Commission shall consist of 10 members as follows:

- 28           (1) The Speaker of the House of Representatives shall appoint three  
29 members of the House of Representatives and two public members;  
30 and  
31           (2) The President Pro Tempore of the Senate shall appoint three members  
32 of the Senate and two public members.

33           Sec. 4.3. The President Pro Tempore of the Senate shall designate one  
34 Senator as cochair and the Speaker of the House of Representatives shall designate one  
35 Representative as cochair. The cochairs shall call the first meeting.

36           Sec. 4.4. In addition to its regular meetings, the Commission shall hold three  
37 public hearings across the State, to solicit (i) input about the extent of the problem of the  
38 uninsured and underinsured, and (ii) potential solutions to ensure that all citizens have  
39 access to adequate and affordable health care.

40           Sec. 4.5. The Commission shall submit an interim report on or before the  
41 first day of the 1991 General Assembly, Regular Session 1992, by filing the report with  
42 the President Pro Tempore of the Senate and the Speaker of the House of  
43 Representatives.

1           Sec. 4.6. The Commission shall submit a final report of its findings and  
2 recommendations to the General Assembly on or before the first day of the 1993  
3 Session of the General Assembly by filing the report with the President Pro Tempore of  
4 the Senate and the Speaker of the House of Representatives. Upon filing its final report,  
5 the Commission shall terminate.

6           Sec. 4.7. Legislative members of the Commission shall receive subsistence  
7 and travel expenses at the rates set forth in G.S. 120-3.1. Public members of the  
8 Commission shall not receive subsistence, per diem or travel expenses.

9           Sec. 4.8. The Commission may contract for clerical or professional staff or  
10 for any other services it may require in the course of its ongoing study. At the request  
11 of the Commission, the Legislative Services Commission may supply members of the  
12 staff of the Legislative Services Office and clerical assistance to the Commission as the  
13 Legislative Services Commission deems appropriate. The Commission may, with the  
14 approval of the Legislative Services Commission, meet in the State Legislative Building  
15 or the Legislative Office Building.

16           Sec. 4.9. The Commission may accept gifts, grants, donations, or  
17 contributions from any source. These funds shall be held in a separate account and used  
18 solely in furtherance of the study.

19           Sec. 4.10. There is allocated from the funds appropriated to the General  
20 Assembly's Legislative Services Commission for the 1991-92 fiscal year the sum of  
21 \$20,000 and for the 1992-93 fiscal year the sum of \$20,000 for the expenses of the  
22 Commission created by this Part.

#### 23 24 PART V.—ENERGY ASSURANCE STUDY COMMISSION CONTINUATION

25           Sec. 5.1. Section 6.4 of Chapter 802 of the 1989 Session Laws, as amended  
26 by Section 3.3 of Chapter 1078 of the 1989 Session Laws reads as rewritten:

27           "Sec. 6.4. The Commission may file an interim report on or before June 1, 1990,  
28 and shall file its final report prior to adjournment of the ~~1991 Session~~ 1992 Regular  
29 Session of the 1991 General Assembly, with the President Pro Tempore of the Senate  
30 and the Speaker of the House of Representatives. The report shall summarize the  
31 information obtained in the course of the Commission's inquiry, set forth its findings  
32 and conclusions, and recommend administrative actions or legislative actions that may  
33 be necessary to implement the Energy Assurance Plan. If legislation is recommended,  
34 the Commission shall prepare and submit with its report appropriate bills. Upon  
35 termination of the Commission, the cochairs shall transmit to the Legislative Library for  
36 preservation the records and papers of the Commission. The Commission shall  
37 terminate upon the filing of its report."

38           Sec. 5.2. Funds allocated to the North Carolina Energy Assurance Study  
39 Commission pursuant to the provisions of Section 3.1 and Section 3.2 of Chapter 1078  
40 of the 1989 Session Laws which have not been expended at the end of the 1990-91  
41 fiscal year shall not revert but shall remain available to the Study Commission for its  
42 expenses during the 1991-92 fiscal year.

#### 43 44 PART VI.—JOINT SELECT FISCAL TRENDS AND REFORM COMMISSION

1           Sec. 6.1. There is allocated from the funds appropriated to the General  
2 Assembly for the Joint Select Fiscal Trends and Reform Commission, created by  
3 Chapter 689 of the 1991 Session Laws, the sum of \$50,000 for fiscal year 1991-92 and  
4 the sum of \$50,000 for the fiscal year 1992-93.

5  
6 PART VII.—AGRICULTURE, FORESTRY, AND SEAFOOD AWARENESS  
7 STUDY COMMISSION

8           (H.B. 1167 - James)

9           Sec. 7.1. There is allocated from the funds appropriated to the General  
10 Assembly's Legislative Services Commission the sum of \$25,000 for the 1991-92 fiscal  
11 year for the work of the Agriculture, Forestry, and Seafood Awareness Study  
12 Commission.

13  
14 PART VIII.—ENVIRONMENTAL REVIEW COMMISSION TO STUDY  
15 PERMITTING OF PRIVATELY OPERATED LANDFILLS

16           (H.B. 1090 - Privette)

17           Sec. 8.1. The Environmental Review Commission shall study the North  
18 Carolina Environmental Policy Act of 1971, Article 1 of Chapter 113A of the General  
19 Statutes in relation to the permitting of sanitary landfills pursuant to G.S. 130A-294 to  
20 determine whether the issuance of a permit for a sanitary landfill to be developed or  
21 operated by a private individual, corporation, or partnership should be subject to the  
22 requirements of G.S. 113A-4 regarding the preparation of an environmental impact  
23 statement.

24           Sec. 8.2. The Environmental Review Commission may report its findings,  
25 together with any recommended legislation, to either the 1992 Regular Session of the  
26 1991 General Assembly or to the 1993 General Assembly by filing copies of its report  
27 with the President Pro Tempore of the Senate and the Speaker of the House of  
28 Representatives.

29  
30 PART IX.—JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND  
31 AQUACULTURE STUDY OF LICENSE TO SELL FISH

32           (H.B. 1105 - Payne)

33           Sec. 9.1. In addition to the powers and functions set forth in Article 12F of  
34 Chapter 120 of the General Statutes, the Joint Legislative Commission on Seafood and  
35 Aquaculture shall study whether the State should require a license to sell fish taken from  
36 coastal fishing waters and shall make recommendations to the General Assembly  
37 including, but not limited to, requiring licenses, license fees, implementation and  
38 collection of fees, and use of proceeds from fees. The Commission shall report its  
39 findings and recommendations to the 1992 General Assembly.

40  
41 PART X.—ENVIRONMENTAL REVIEW COMMISSION TO STUDY  
42 ENVIRONMENTAL POLICY ACT ISSUES

43           (H.B. 1227 - Gottovi)

1           Sec. 10.1. The Environmental Review Commission shall study the following  
2 issues concerning Article 1 of Chapter 113A of the General Statutes, the North Carolina  
3 Environmental Policy Act of 1971:

- 4           (1) Whether the scope of the North Carolina Environmental Policy Act  
5 should be broadened to include:  
6           a. Significant private activity that is subject to any public review;  
7           b. Actions of local governmental entities;  
8           c. Major modifications of existing systems; and  
9           d. Industrial facilities currently approved by the Department of  
10 Economic and Community Development in conjunction with  
11 the Department of Environment, Health, and Natural Resources  
12 under G.S. 143B-437.
- 13           (2) Whether all significant adverse effects should be mitigated to the  
14 fullest extent possible.
- 15           (3) Whether an analysis of the cumulative effects of all projects should be  
16 included in the review of the North Carolina Environmental Policy  
17 Act.
- 18           (4) Whether State and local government should be required to report  
19 compliance with the North Carolina Environmental Policy Act and  
20 whether the Department of Environment, Health, and Natural  
21 Resources should be required to enforce compliance.
- 22           (5) Whether all State agencies should be required to adopt environmental  
23 review criteria by January 1, 1992, and what those criteria should be.
- 24           (6) Whether public notice, comment, and participation are adequate under  
25 the North Carolina Environmental Policy Act.
- 26           (7) Whether to require cost-benefit analysis for large construction projects.
- 27           (8) Whether the current exemptions, such as the current exemption for  
28 landfills, should be continued.
- 29           (9) Whether to require the Department of Economic and Community  
30 Development to comply with the North Carolina Environmental Policy  
31 Act before it issues industrial revenue bonds pursuant to G.S. 159C-7.
- 32           (10) What State agency or department should lead the review of the North  
33 Carolina Environmental Policy Act.

34           Sec. 10.2. The Environmental Review Commission may report its findings,  
35 recommendations, and any proposed legislation to the 1992 Regular Session of the 1991  
36 General Assembly and, if the Commission determines that more study is needed, to the  
37 1993 General Assembly.

38  
39 **PART XI.—MOTOR FUEL PRICING STUDY COMMISSION**

40           Sec. 11.1. The Motor Fuel Pricing Study Commission is created. The  
41 Commission shall:

- 42           (1) Undertake a comprehensive review and analysis of the methods used  
43 to market motor fuels to independent wholesalers and retailers of  
44 motor fuel in North Carolina;

- 1           (2) Determine whether these pricing systems are fair to these independent  
2           wholesalers and retailers;
- 3           (3) Determine the most fair and equitable means to prevent subsidized and  
4           unfair pricing in the marketing of motor fuels to wholesalers and  
5           retailers of motor fuel in order to best protect the interests of the  
6           citizens of this State; and
- 7           (4) Study whether refiners of motor fuel should be prohibited from  
8           owning and operating retail motor fuel outlets in this State.

9           Sec. 11.2. The Commission shall consist of 10 members to be appointed as  
10 follows:

- 11           (1) Five members of the Senate appointed by the President Pro Tempore  
12           of the Senate, one of whom shall be designated as cochair.
- 13           (2) Five members of the House of Representatives appointed by the  
14           Speaker of the House of Representatives, one of whom shall be  
15           designated as cochair.

16           Sec. 11.3. Members appointed to the Commission shall serve until the  
17 Commission makes its final report. Vacancies on the Commission shall be filled in the  
18 same manner as the original appointments were made.

19           Sec. 11.4. Upon request of the Commission or its staff, all State departments  
20 and agencies shall furnish to the Commission or its staff any information in their  
21 possession or available to them.

22           Sec. 11.5. The Commission may submit an interim report of its findings and  
23 recommendations and the status of its review and analyses to the General Assembly on  
24 or before the first day of the 1992 Regular Session of the 1991 General Assembly. The  
25 Commission shall submit the final report of its findings and recommendations to the  
26 General Assembly on or before January 15, 1993. All reports shall be submitted by  
27 filing the report with the Speaker of the House of Representatives and the President Pro  
28 Tempore of the Senate. The Commission shall terminate upon filing its final report.

29           Sec. 11.6. The Commission shall meet upon the call of the cochairs.

30           Sec. 11.7. Upon approval of the Legislative Services Commission, the  
31 Legislative Administrative Officer shall assign professional and clerical staff to assist in  
32 the work of the Commission. Clerical staff shall be furnished to the Commission  
33 through the Offices of the House and Senate Supervisors of Clerks. The expenses of  
34 employment of the clerical staff shall be borne by the Commission. The Commission  
35 may meet in the Legislative Building or the Legislative Office Building upon the  
36 approval of the Legislative Services Commission.

37           Sec. 11.8. Members of the Commission shall be paid per diem, subsistence,  
38 and travel allowances at the rate established in G.S. 120-3.1.

39           Sec. 11.9. There is allocated from the funds appropriated to the General  
40 Assembly's Legislative Services Commission to the Motor Fuel Pricing Study  
41 Commission for its work the sum of \$15,000 for the 1991-92 fiscal year and the sum of  
42 \$15,000 for the 1992-93 fiscal year.

43

1 PART XII.—JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND  
2 AQUACULTURE STUDY OF THE TRANSFER OF THE AUTHORITY VESTED IN  
3 THE MARINE FISHERIES COMMISSION TO GRANT SHELLFISH LEASES TO  
4 THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND  
5 NATURAL RESOURCES

6 (H.B. 1032 - Grady)

7 Sec. 12.1. In addition to the powers and functions set forth in Article 12F of  
8 Chapter 120 of the General Statutes, the Joint Legislative Commission on Seafood and  
9 Aquaculture shall study the authority vested in the Marine Fisheries Commission to  
10 grant shellfish leases and whether that authority should be transferred to the Secretary of  
11 the Department of Environment, Health, and Natural Resources.

12 Sec. 12.2. The Commission may report to the 1992 Regular Session of the  
13 1991 General Assembly, and shall report on or before the first day of the 1993  
14 Legislative Session on its findings, together with any recommended legislation.

15  
16 PART XIII.—STATE PERSONNEL STUDY COMMISSION

17 (H.B. 109 - Fitch, S.B. 64 - Sands)

18 Sec. 13.1. There is created a Study Commission on the State Personnel  
19 System to be composed of nine members: three Senators to be appointed by the  
20 President Pro Tempore of the Senate, three Representatives to be appointed by the  
21 Speaker of the House, and three public members to be appointed by the Governor. The  
22 President Pro Tempore of the Senate and the Speaker of the House shall each designate  
23 a cochairman from their appointees. Either cochairman may call the first meeting of the  
24 Study Commission. Vacancies shall be filled in the same manner as the original  
25 appointments were made.

26 Sec. 13.2. The Study Commission is authorized to study all aspects of the  
27 State Personnel System including, but not limited to, the impact of State and local  
28 governmental employees' retirement benefits increases, the impact of the exemption  
29 from State taxes of State, local, federal, and private retirement benefits, and public  
30 employees' day care and medical and dental benefits.

31 Sec. 13.3. With the prior approval of the Legislative Services Commission,  
32 the Legislative Administrative Officer shall assign professional and clerical staff to  
33 assist in the work of the Commission. Clerical staff shall be furnished to the  
34 Commission through the Offices of the House and Senate Supervisors of Clerks. The  
35 expenses of employment of the clerical staff shall be borne by the Commission. With  
36 the prior approval of the Legislative Services Commission, the Study Commission may  
37 hold its meetings in the State Legislative Building or the Legislative Office Building.

38 Sec. 13.4. The Study Commission may submit an interim report of its  
39 findings and recommendations and the status of its work on or before the first day of the  
40 1992 Regular Session of the 1991 General Assembly. The Study Commission shall  
41 submit a final written report of its findings and recommendations on or before the  
42 convening of the 1993 Session of the General Assembly. All reports shall be filed with  
43 the President Pro Tempore of the Senate and the Speaker of the House of  
44 Representatives. Upon filing its final report, the Commission shall terminate.

1           Sec. 13.5. Members of the Commission shall be paid per diem, subsistence,  
2 and travel allowances as follows:

- 3           (1) Commission members who are also members of the General  
4           Assembly, at the rate established in G.S. 120-3.1;
- 5           (2) Commission members who are officials or employees of the State or  
6           local government agencies, at the rate established in G.S. 138-6;
- 7           (3) All other Commission members, at the rate established in G.S. 138-5.

8           Sec. 13.6. There is allocated from the funds appropriated to the General  
9 Assembly's Legislative Services Commission to the Study Commission on the State  
10 Personnel System for its work the sum of \$25,000 for the 1991-92 fiscal year and the  
11 sum of \$20,000 for the 1992-93 fiscal year.

#### 12 13 PART XIV.—MENTAL HEALTH STUDY COMMISSION

14           (H.B. 533 - Isenhower, S.B. 408 - Walker)

15           Sec. 14.1. The Mental Health Study Commission, established and structured  
16 by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter  
17 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session  
18 Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter  
19 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; Chapter 873, 1987 Session  
20 Laws; and Chapter 802, 1989 Session Laws as amended in 1990; is reestablished and  
21 authorized to continue in existence until July 1, 1993.

22           Sec. 14.2. The continued Mental Health Study Commission shall have all the  
23 powers and duties of the original Study Commission as they are necessary to continue  
24 the original study, to assist in the implementation of the original and succeeding Study  
25 Commission recommendations and to plan further activity on the subject of the study.

26           Sec. 14.3. Members and staff of the continued Mental Health Study  
27 Commission shall receive compensation and expenses as under the original  
28 authorization in the 1973 General Assembly Resolution 80. Expenses of the  
29 Commission shall be expended by the Department of Human Resources from Budget  
30 Code 14460, subhead 1110.

31           Sec. 14.4. In addition to other studies authorized by law, the Mental Health  
32 Study Commission shall:

- 33           (1) Have oversight, review and make recommendations regarding the  
34           implementation of the Adult Substance Abuse Treatment Plan, the  
35           Comprehensive Long Range Plan for Adults with Severe and  
36           Persistent Mental Illness, the Child Mental Health Plan, the Youth  
37           Substance Abuse Plan, and the Developmental Disabilities Services  
38           Plan;
- 39           (2) Evaluate and develop recommendations regarding quality of services  
40           provided for individuals with mental health, developmental disabilities  
41           and substance abuse problems;
- 42           (3) Monitor implementation of Commission recommendations to improve  
43           mental health, mental retardation and substance abuse services to jails;

- 1           (4) Have oversight, review and make recommendations regarding the  
2           implementation of the Pioneer System and the Commission's Long  
3           Range Funding Initiatives Project;  
4           (5) Coordinate with the North Carolina Council on Developmental  
5           Disabilities in updating the Developmental Disabilities Services Plan.  
6

7 **PART XV.—MOUNTAIN AREA STUDY COMMISSION**

8           (H.B. 1261 - N.J. Crawford)

9           Sec. 15.1. The Mountain Area Study Commission is created. The  
10 Commission shall consist of 15 members: four Senators appointed by the President Pro  
11 Tempore of the Senate, four Representatives appointed by the Speaker of the House of  
12 Representatives, three members representing local government and the public sector  
13 appointed by the President Pro Tempore of the Senate, three members representing local  
14 government and the public sector appointed by the Speaker of the House of  
15 Representatives, and one member to be chosen by the other 14 members of the  
16 Commission.

17           Sec. 15.2. The President Pro Tempore of the Senate shall designate one  
18 Senator as cochairman and the Speaker of the House of Representatives shall designate  
19 one Representative as cochairman.

20           Sec. 15.3. The Commission shall:

- 21           (1) Determine specific future consequences of present land-use practices;  
22           (2) Determine whether increased management of land resources is  
23           necessary and helpful to citizens, whether such management should be  
24           implemented in mountain areas in the State, and if so, how  
25           responsibility for such management should be allocated among various  
26           levels of government;  
27           (3) Determine whether it is appropriate to create a series of special  
28           incentives for individuals and local governments to encourage the  
29           management of land resources described herein, and if so, what types  
30           of incentives are appropriate;  
31           (4) Make efforts to meet with citizens in mountain areas and to receive  
32           their comments regarding the subjects to be evaluated by the  
33           Commission; and  
34           (5) Evaluate programs in other states that are designed to coordinate  
35           provision of infrastructure, protection of the environment and natural  
36           resources, and efforts to accommodate growth.

37           Sec. 15.4. The Commission shall submit a final report of its findings and  
38 recommendations to the General Assembly on or before the first day of the 1993  
39 Session of the General Assembly by filing the report with the President Pro Tempore of  
40 the Senate and the Speaker of the House of Representatives. Upon filing its final report,  
41 the Commission shall terminate.

42           Sec. 15.5. The Commission, while in the discharge of official duties, may  
43 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-  
44 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call



1 of the cochairmen. The Commission may meet in the Legislative Building or the  
2 Legislative Office Building.

3           Sec. 15.6. Members of the Commission shall receive subsistence and travel  
4 expenses at the rates set forth in G.S. 120-3.1.

5           Sec. 15.7. The Commission may contract for professional, clerical, or  
6 consultant services as provided by G.S. 120-32.02. The Legislative Services  
7 Commission, through the Legislative Administrative Officer, shall assign professional  
8 staff to assist in the work of the Commission. The House of Representatives' and the  
9 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the  
10 direction of the Legislative Services Commission. The expenses relating to clerical  
11 employees shall be borne by the Commission.

12           Sec. 15.8. When a vacancy occurs in the membership of the Commission the  
13 vacancy shall be filled by the same appointing officer who, or entity which, made the  
14 initial appointment.

15           Sec. 15.9. All State departments and agencies and local governments and  
16 their subdivisions shall furnish the Commission and its staff with any information in  
17 their possession or available to them.

18           Sec. 15.10. There is allocated from the funds appropriated to the General  
19 Assembly's Legislative Services Commission to the Commission established by this  
20 Part for fiscal year 1991-92 the sum of \$20,000 and for fiscal year 1992-93 the sum of  
21 \$20,000.

22

#### 23 PART XVI.—APPROPRIATION FOR STUDIES

24           Sec. 16.1. There is appropriated from the General Fund to the General  
25 Assembly's Legislative Services Commission the sum of \$300,000 for the 1991-92  
26 fiscal year to fund the studies, except as otherwise provided, authorized, or directed by  
27 this act.

28

#### 29 PART XVII.—EFFECTIVE DATE

30           Sec. 17.1. This act is effective upon ratification.