

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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2

HOUSE BILL 1645
Committee Substitute Favorable 7/9/92

Short Title: Studies of 1992.

(Public)

Sponsors:

Referred to:

June 8, 1992

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, TO CREATE VARIOUS TASK FORCES, COMMITTEES AND
4 COMMISSIONS, TO ESTABLISH AN OFFICE OF INSPECTOR GENERAL,
5 AND TO MAKE OTHER AMENDMENTS TO THE LAW AND TO MAKE
6 APPROPRIATIONS THEREFOR.

7 The General Assembly of North Carolina enacts:

8

9 PART I.—TITLE

10 Section 1. This act shall be known as "The Studies Act of 1992."

11

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

15

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16 This outline is designed for reference only, and the outline and the
17 corresponding entries throughout the act in no way limit, define, or prescribe the scope
18 or application of the text of the act.

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14 PART II.—LEGISLATIVE RESEARCH COMMISSION

15 Sec. 2.1. The Legislative Research Commission may study the topics listed
16 below. Listed with each topic is the 1991-92 Session bill or resolution that originally
17 proposed the issue or study and the name of the sponsor. The Commission may
18 consider the original bill or resolution in determining the nature, scope, and aspects of
19 the study. The topics are:

- 20 (1) Emergency Cardiac Care (H.B. 1051, H.B. 1604, H.B. 1605 - Green),
21 (2) UNC Governance (H.B. 1481 - Mavretic),
22 (3) Domiciliary Care (H.B. 1374, H.B. 1502 - Nye, S.B. 1038 - Walker),
23 (4) Medicaid (H.B. 1523 - Nye, S.B. 1185 - Walker),
24 (5) County Prison Farms for Nonviolent Misdemeanants (H.B. 1537 -
25 Holt),
26 (6) Allocations from the Aid to Public Libraries Fund to Local Libraries
27 (H.B. 1615 - Jeralds),
28 (7) Review of Proposals to Authorize New Local Occupancy Taxes or to
29 Modify the Purpose for Which an Occupancy Tax May Be Used (H.B.
30 1632 - Miller, H.B. 1435 - Redwine),
31 (8) Establishment of a Chiropractic College in North Carolina (H.B. 1645
32 - Colton, S.B. 1174 - Conder).

33 Sec. 2.2. Toll Roads (H.B. 1098 - Bowman). The Legislative Research
34 Commission is authorized to study the feasibility of constructing toll roads in North
35 Carolina. As a part of the study, the Commission may consider:

- 36 (1) The potential for toll roads to generate revenue to supplement current
37 road construction and maintenance resources;
38 (2) The experience of North Carolina, and other states, in constructing and
39 operating toll roads;
40 (3) The availability of federal funds to construct toll roads;
41 (4) The possibility of private construction, operation, and ownership of
42 toll roads in the State;
43 (5) The feasibility of constructing major new bridge projects as toll
44 facilities; and

1 (6) The potential for toll roads to accelerate needed highway construction
2 and promote economic growth in the State.

3 Sec. 2.3. Basic Skills in Workplace (H.B. 1339 - Lineberry, S.B. 1102 -
4 Walker). The Legislative Research Commission may study the need and feasibility of
5 establishing education renewal programs to develop basic skills in the workplace. The
6 study may include, but is not limited to, the commitment of employers to this type of
7 program and State tax incentives to support the commitment of employers.

8 Sec. 2.4. Students at Risk (H.B. 1426 - Michaux, S.B. 1020 - Martin of
9 Guilford). The Legislative Research Commission shall:

10 (1) Study how the delivery of educational services from preschool through
11 twelfth grade fails to address the needs of students at risk of academic,
12 social, and economic failure;

13 (2) Develop proposals for improving the delivery of educational services
14 to at-risk students; and

15 (3) Recommend the human and economic resources necessary to improve
16 each at-risk student's opportunity to reach his or her optimal potential.

17 Sec. 2.5. Alternative Medical Practices Access (H.B. 1636 - Colton). The
18 Legislative Research Commission may study the issue of citizen access to alternative
19 medical practices. The study may include, but is not limited to, the following matters:

20 (1) Recommendations for a State policy on citizen access to alternative
21 practices;

22 (2) Regulation of alternative medical practices in other states;

23 (3) Criteria for evaluating nonprevailing medical practices comparable to
24 those applied to prevailing medical practices;

25 (4) Comparison of the powers of the North Carolina Board of Medical
26 Examiners with the powers of similar boards in other states regarding
27 nonprevailing practices; and

28 (5) The existence and effectiveness of national certification boards of
29 nonprevailing medical practices in protection of the public's health.

30 Sec. 2.6. State Telecommunications (S.B. 402 - Sherron). The Legislative
31 Research Commission is authorized to study the operation of the State's central
32 telephone system and long distance telephone network and make recommendations
33 concerning the following:

34 (1) Whether the State's central telephone system should be managed and
35 operated by a private contractor;

36 (2) Whether the State's long distance telephone network should be
37 managed and operated by a private contractor;

38 (3) Whether any other telecommunications services authorized by G.S.
39 143B-426.39(14) and (15) should be managed and operated by a
40 private contractor;

41 (4) Whether any telecommunications services not now authorized under
42 G.S. 143B-426.39(14) and (15) should be provided and whether they
43 should be managed and operated by a private contractor.

1 Sec. 2.6A. The Legislative Research Commission may report its findings,
2 together with any recommended legislation, to the 1993 General Assembly or the 1994
3 Regular Session of the 1993 General Assembly, or both.

4 Sec. 2.6B. The constituent institutions of The University of North Carolina
5 and the North Carolina School of Science and Mathematics shall not enter into any
6 contracts that will affect their use of the State telephone network or any contracts for
7 long distance services in furtherance of the authority granted them by G.S. 62-110(d)
8 and (e) until July 1, 1994.

9 Sec. 2.7. Public Access to Information. The Legislative Research
10 Commission may study issues relating to the balancing of the public's right to know
11 about the conduct of government with the individual citizen's right to privacy. The
12 study may include, but is not limited to:

13 (1) The development of a:

- 14 a. Strategic plan for transmitting, storing, using and retrieving
15 public information;
16 b. Fair Information Practices Act that offers all citizens personal
17 data protection in both public and private sectors while allowing
18 public access to public information and private use of personal
19 information; and
20 c. Right to Privacy Act that combines those sections of the
21 General Statutes presently protecting privacy and protections
22 presently believed contained in the common law.

23 (2) The establishment of a "Fair Information Practices Commission" that
24 has:

- 25 a. An administrative law function of adjudicating unclear cases of
26 what is public and what is confidential information; and
27 b. An advisory function to provide interpretive guidance for fair
28 information practices.

29 The study may include the issues raised in the "North Carolina Technological
30 Information Study" presented to Governor Martin in June 1992.

31 Sec. 2.8. Management of Low-Level Radioactive Waste. The Legislative
32 Research Commission may study the ramifications of the Supreme Court's decision in
33 New York v. United States, 60 U.S.L.W. 4603 (U.S. June 19, 1992) and recent South
34 Carolina legislation on the management of low-level radioactive waste.

35 Sec. 2.9. Committee Membership. For each Legislative Research
36 Commission Committee created during the 1991-92 biennium, the cochairs of the
37 Commission shall appoint the Committee membership.

38 Sec. 2.10. Reporting Dates. For each of the topics the Legislative Research
39 Commission decides to study under this act or G.S. 120-30.17(1), the Commission may
40 report its findings, together with any recommended legislation, to the 1993 General
41 Assembly.

42 Sec. 2.11. Funding. From the funds available to the General Assembly, the
43 Legislative Services Commission may allocate additional monies to fund the work of
44 the Legislative Research Commission.

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2 PART III.—RAILROAD ADVISORY COMMISSION MEMBERSHIP CHANGE

3 Sec. 3.1. Section 3.1 of Chapter 754 of the 1991 Session Laws (First
4 Session, 1991) reads as rewritten:5 "Sec. 3.1. There is created the Railroad Advisory Commission. The Commission
6 shall consist of ~~12~~10 members, appointed as follows:7 (1) Two members appointed by the Governor, one of whom shall be
8 knowledgeable about the railroad business and one of whom shall be
9 an advocate of passenger rail service;10 (2) The Speaker of the House of Representatives or another member of the
11 House of Representatives serving as the Speaker's designee, and two
12 other members of the House of Representatives appointed by the
13 Speaker of the House of Representatives;14 (3) The President Pro Tempore of the Senate or another member of the
15 Senate serving as the President Pro Tempore's designee, and two other
16 members of the Senate appointed by the President Pro Tempore of the
17 Senate;18 (4) The Secretary of Transportation, or a member of his staff appointed by
19 the Secretary of Transportation; and20 (5) The State Treasurer, or a member of his staff appointed by the
21 ~~Treasurer;~~Treasurer.22 (6) ~~Two officers or directors of the North Carolina Railroad Company~~
23 ~~appointed by its Board of Directors.~~24 The Attorney General or the Attorney General's designee shall also participate and
25 attend meetings of the Commission in accordance with Section 3.12 of this Part."
26

27 PART IV.—JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

28 Sec. 4.1. Teacher Leave (H.B. 334 - Bowman). In addition to its other
29 authorized studies, the Joint Legislative Education Oversight Committee shall study
30 annual vacation leave for teachers. In particular, the Committee shall study (i) whether
31 the number of days of accumulated leave that are carried over to the next year should be
32 increased, and (ii) whether the maximum number of hours for which a teacher is paid a
33 lump sum for accumulated annual leave when the teacher is separated from service due
34 to resignation, dismissal, reduction in force, death, or service retirement should be
35 increased. The Committee shall report its findings and recommendations to the 1993
36 General Assembly upon its convening.37 Sec. 4.2. Section 2.1(61) of Chapter 754 of the 1991 Session Laws (First
38 Session, 1991) is repealed.39 Sec. 4.3. Nonresident Tuition Study (H.B. 1360 - Barnes, S.B. 1139 -
40 Warren). In addition to its other authorized studies, the Joint Legislative Education
41 Oversight Committee shall study the issue of requiring out-of-state students who attend
42 public schools in North Carolina to pay the full cost of their education. The Committee
43 shall report the results of its study to the 1993 General Assembly.
44

1 PART V.— OFFICE OF INSPECTOR GENERAL

2 (H.B. 1182 - Jack Hunt)

3 Sec. 5.1. A new Part is added to Article 9 of Chapter 143B of the General
4 Statutes to read as follows:5 **"PART 29. OFFICE OF INSPECTOR GENERAL.**6 **"§ 143B-426.50. Office of Inspector General established.**7 (a) There is created the Office of Inspector General within the Department of
8 Administration.9 (b) The Inspector General shall head the Office of Inspector General.10 (c) Notwithstanding any other provision of law, the Inspector General shall
11 exercise all of the statutory powers of the Office independently of the Secretary of
12 Administration. Except as specifically provided by law, the Governor or any State
13 executive agency has no power to limit the scope, direction, or report of an investigation
14 undertaken by the Inspector General under this Part.15 (d) As used in this Part, the term 'State executive agencies' shall mean all
16 departments, agencies, institutions, commissions, committees, boards, divisions,
17 bureaus, officers, or officials within the Executive Branch of State Government. The
18 Judicial or Legislative Branches of State Government are exempt from the provisions of
19 this Part.20 **"§ 143B-426.51. Inspector General; nominations; appointment; term of office.**21 (a) Not later than February 1, 1993, and every five years thereafter, the Council
22 of State shall nominate, by a majority of its members, three nominees for the position of
23 Inspector General and shall indicate the nominee the members of the Council of State
24 believe would best perform the duties of that office and the nominee the members of the
25 Council of State believe would next best perform the duties of that office. From the
26 Council of State's nominees, the General Assembly shall by the enactment of a bill
27 appoint the Inspector General. If the General Assembly fails to appoint an Inspector
28 General by May 1 thereafter, the nominee whom the Council of State indicated would
29 be best suited to be the Inspector General shall be deemed to have been appointed the
30 Inspector General and shall serve the full term of office. If the Council of State shall fail
31 to nominate the required number of individuals as required by this subsection, the
32 Governor, the Attorney General, and the State Auditor each shall nominate by the
33 following February 15, an individual for the office of Inspector General. Nominees
34 shall be submitted to the General Assembly by written filing with the Speaker of the
35 House of Representatives, the President of the Senate, the Principal Clerks of both
36 houses, and the Legislative Library. The Governor shall request the State Bureau of
37 Investigation to conduct a background investigation pursuant to G.S. 114-15 on each
38 individual nominated to be Inspector General under this Part. The Governor shall
39 transmit a copy of each background investigation report to the Speaker of the House of
40 Representatives and the President Pro Tempore of the Senate.41 (b) The term of office of the Inspector General shall begin on February 1, 1993,
42 and shall be for a period of five years or until his or her successor is appointed.43 (c) No individual may be nominated for Inspector General for more than two
44 terms.

1 (d) When a vacancy occurs, other than by the expiration of term, in the office of
2 Inspector General:

3 (1) The Governor shall appoint a successor to serve on an interim basis
4 until the General Assembly has appointed a successor as set forth
5 below; and

6 (2) The Council of State shall nominate, by a majority of its members,
7 three nominees for the position of Inspector General and shall indicate
8 the nominee the members of the Council of State believe would best
9 perform the duties of that office and the nominee the members of the
10 Council of State believe would next best perform the duties of that
11 office. From the Council of State's nominees, the General Assembly
12 shall by the enactment of a bill appoint the Inspector General. If the
13 General Assembly fails to appoint an Inspector General within 90 days
14 of having received the Council of State's nominees, the nominee whom
15 the Council of State indicated would be best suited to be the Inspector
16 General shall be deemed to have been appointed the Inspector General.
17 The person appointed under this subdivision shall serve for his or her
18 predecessor's unexpired term.

19 (e) The salary of the Inspector General shall be that of a Judge of the Court of
20 Appeals.

21 **"§ 143B-426.52. Duties.**

22 The Inspector General has the following duties:

23 (1) To investigate possible or alleged inefficiencies, waste, abuse, fraud,
24 or corruption in State executive agencies upon complaint from any
25 source or upon his or her own initiative;

26 (2) To review periodically policies and procedures of the State executive
27 agencies and to monitor periodically their daily operations in order to
28 prevent or detect inefficiencies, waste, abuse, fraud, or corruption;

29 (3) To recommend remedial actions to be taken by the State executive
30 agencies arising from reviews or investigations to prevent future
31 inefficiencies, waste, abuse, fraud, or corruption;

32 (4) To develop guidelines for the conduct of investigations by the Office
33 of Inspector General; and

34 (5) To develop training programs for investigators of the Office of
35 Inspector General.

36 **"§ 143B-426.53. Powers.**

37 The Inspector General has the following powers:

38 (1) To appoint all employees, including deputy Inspectors General,
39 necessary to carry out his powers and duties; these employees shall be
40 under the Inspector's General exclusive supervision, direction and
41 control, and shall be subject to the State Personnel Act;

42 (2) To delegate or assign any function vested in the Inspector General to
43 any employee of that office;

- 1 (3) To issue subpoenas to compel the attendance of witnesses and for the
2 production of documents, books, or other records and to apply to the
3 superior court to compel obedience to the subpoenas issued;
4 (4) To administer oaths or affirmations, examine witnesses under oath,
5 and cause the deposition of witnesses both within and out of State;
6 (5) To refer information and evidence of criminal activities obtained in
7 carrying out the Inspector General's duties to appropriate law
8 enforcement officials for possible prosecution;
9 (6) To establish toll-free telephone hotlines for reporting alleged
10 inefficiencies, waste, abuse, fraud, or corruption within the State
11 executive agencies;
12 (7) To establish training programs for fraud control;
13 (8) To monitor the implementation by the State executive agencies of the
14 Inspector General's recommendations; and
15 (9) To negotiate and enter into agreements with other State agencies
16 charged with investigating, auditing, reviewing, or evaluating the
17 management and operation of State executive agencies to share
18 information and avoid duplication of effort.

19 **"§ 143B-426.54. Other agencies to cooperate with Inspector General.**

20 (a) All State executive agencies, officers, and employees shall cooperate fully
21 with investigations undertaken by the Inspector General pursuant to this Article and,
22 upon request, shall provide the Inspector General with all information and all data
23 within their possession or ascertainable from their records, if not otherwise expressly
24 prohibited by law.

25 (b) No public officer or employee shall prevent, interfere with, or hinder any
26 investigation being conducted under this Article.

27 (c) A violation of this section shall constitute grounds for disciplinary action in
28 the case of a State employee and removal from office in the case of a public officer.

29 **"§ 143B-426.55. Confidentiality.**

30 Notwithstanding any other provision of law, the Inspector General may not be
31 compelled to disclose any information contained in any documentary material,
32 regardless of physical form or characteristics, relating to an investigation authorized to
33 be conducted under this Part; except that a judge of competent jurisdiction may compel
34 that disclosure, if in the judge's opinion, the same is necessary to a proper
35 administration of justice.

36 **"§ 143B-426.56. Reports.**

37 The Inspector General shall file quarterly reports on its work, findings, and
38 recommendations with the Speaker of the House, the President of the Senate, the
39 Legislative Library, and the members of the Council of State."

40 Sec. 5.2. G.S. 114-15(a) reads as rewritten:

41 "(a) The Bureau shall, through its Director and upon request of the Governor,
42 investigate and prepare evidence in the event of any lynching or mob violence in the
43 State; shall investigate all cases arising from frauds in connection with elections when
44 requested to do so by the Board of Elections, and when so directed by the Governor.

1 Such investigation, however, shall in nowise interfere with the power of the Attorney
2 General to make such investigation as he is authorized to make under the laws of the
3 State. The Bureau is authorized further, at the request of the Governor, to investigate
4 cases of frauds arising under the Social Security Laws of the State, of violations of the
5 gaming laws, and lottery laws, and matters of similar kind when called upon by the
6 Governor so to do. In all such cases it shall be the duty of the Department to keep such
7 records as may be necessary and to prepare evidence in the cases investigated, for the
8 use of enforcement officers and for the trial of causes. The services of the Director of
9 the Bureau, and of his assistants, may be required by the Governor in connection with
10 the investigation of any crime committed anywhere in the State when called upon by the
11 enforcement officers of the State, and when, in the judgment of the Governor, such
12 services may be rendered with advantage to the enforcement of the criminal law. The
13 State Bureau of Investigation is hereby authorized to investigate without request the
14 attempted arson of, or arson of, damage of, theft from, or theft of, or misuse of, any
15 State-owned personal property, buildings, or other real property or any assault upon or
16 threats against any legislative officer named in G.S. 147-2(1), (2), or (3) or any
17 executive officer named in G.S. 147-3(c). The Bureau also is authorized at the request
18 of the Governor to conduct a background investigation on a person that the Governor or
19 the Council of State plans to nominate for a position that must be confirmed or filled by
20 the General Assembly, the Senate, or the House of Representatives. The background
21 investigation of the proposed nominee shall be limited to an investigation of the person's
22 criminal record, educational background, employment record, records concerning the
23 listing and payment of taxes, and credit record, and to a requirement that the person
24 provide the information contained in the statements of economic interest required to be
25 filed by persons subject to Executive Order Number 1, filed on January 31, 1985, as
26 contained on pages 1405 through 1419 of the 1985 Session Laws (First Session, 1985).
27 The Governor must give the person being investigated written notice ~~that he intends of~~
28 the intent to request a background investigation at least 10 days prior to the date that ~~he~~
29 the Governor requests the State Bureau of Investigation to conduct the background
30 investigation. The written notice shall be sent by regular mail, and there is created a
31 rebuttable presumption that the person received the notice if the governor has a copy of
32 the notice. Upon the request of the Inspector General, the State Bureau of Investigation
33 shall investigate any alleged crime involving fraud, abuse or corruption within State
34 executive agencies as that term is defined in G.S. 143B-426.50."

35 Sec. 5.3. G.S. 126-85 (c) reads as rewritten:

36 "(c) The protections of this Article shall ~~include~~ apply to State employees who
37 ~~report any report:~~

38 (1) Any activity described in G.S. 126-84 to the State Auditor as
39 authorized by G.S. 147-64.6(e)(16)-147-64.6(c)(16); and

40 (2) Any activity described in G.S. 126-84 or any activity authorized to be
41 investigated by G.S. 143B-426.52 to the Inspector General."

42 Sec. 5.4. G.S. 143-8 reads as rewritten:

43 "**§ 143-8. Reporting of legislative ~~and judicial expenditures and financial, judicial and~~**
44 **Inspector General expenditures, and financial needs.**

1 On or before the first day of September, biennially, in the even-numbered years, the
2 Legislative Administrative Officer shall furnish the Director a detailed statement of
3 expenditures of the General Assembly for the current fiscal biennium, and an estimate
4 of its financial needs, itemized in accordance with the budget classification adopted by
5 the Director and approved and certified by the President pro tempore of the Senate and
6 the Speaker of the House for each year of the ensuing biennium, beginning with the first
7 day of July thereafter. The Administrative Officer of the Courts shall furnish the
8 Director a detailed statement of expenditures of the judiciary, and for each year of the
9 current fiscal biennium an estimate of its financial needs as provided by law, itemized in
10 accordance with the budget classification adopted by the Director and approved and
11 certified by the Chief Justice for each year of the ensuing biennium, beginning with the
12 first day of July thereafter. On or before the first day of September, biennially, in the
13 even-numbered years, the Inspector General shall furnish the Director a detailed
14 statement of expenditures of the Office of Inspector General for the current fiscal
15 biennium, and an estimate of its financial needs, itemized in accordance with the budget
16 classification adopted by the Director for each year of the ensuing biennium, beginning
17 with the first day of July thereafter.

18 The Director shall include these estimates and accompanying explanations in the
19 budget submitted with such recommendations as the Director may desire to make in
20 reference thereto."

21 Sec. 5.5. The Inspector General shall initially conduct a program evaluation
22 study of the Department of Transportation and shall report no later than May 1, 1994.

23 Sec. 5.6. There is appropriated for the 1992-93 fiscal year from the General
24 Fund to the Office of the Inspector General the sum of three hundred thousand dollars
25 (\$300,000).

26 Sec. 5.7. This Part is effective on July 1, 1992, except that notwithstanding
27 the provisions of G.S. 143B-426.51(d) the Governor shall not appoint an interim
28 Inspector General pending the appointment of the first Inspector General as provided in
29 G.S. 143B-426.51(a).

30 PART VI.—EDUCATIONAL LEADERSHIP TASK FORCE

31 (H.B. 1361 - Barnes, S.B. 1024 - Warren)

32 Sec. 6.1. There is established the Educational Leadership Task Force. The
33 purpose of the Task Force is to identify how to best select, train, assess, and regulate
34 persons to become competent, motivated, and trusted education leaders. The term
35 "education leaders" includes superintendents, central office program directors,
36 principals, and assistant principals.

37 Sec. 6.2. The Task Force shall consist of 18 members. Task Force members
38 shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-
39 5, 138-6, or 120-3.1, as appropriate. Appointments to the Task Force shall be made
40 within 30 days of ratification of this legislation. Except as otherwise provided, if a
41 vacancy occurs in the membership, the appointing authority shall appoint another
42 person to serve for the balance of the unexpired term. Appointments shall be made as
43 follows:
44

- 1 (1) Two members of the State Board of Education appointed by the State
2 Board chair. One of these two members shall be designated cochair of
3 the Task Force by the State Board chair.
- 4 (2) Two members of the Board of Governors of The University of North
5 Carolina appointed by the chair of that board. One of these two
6 members shall be designated cochair of the Task Force by the chair of
7 the Board of Governors.
- 8 (3) Two Senate members appointed by the President Pro Tempore.
- 9 (4) Two House members appointed by the Speaker of the House.
- 10 (5) One dean of a school of education appointed by the President of The
11 University of North Carolina.
- 12 (6) Two representatives, one from each of two professional schools, to be
13 appointed by the President of The University of North Carolina.
14 Professional schools may include schools of Business, Public
15 Administration, Law, or Medicine.
- 16 (7) The State Superintendent of Public Instruction, or a designee
17 appointed by the Superintendent. The appointment shall remain for the
18 duration of the Task Force with the individual who is Superintendent
19 at the time of the creation of the Task Force.
- 20 (8) The Teacher of the Year, chosen by the Department of Public
21 Instruction through its Teacher of the Year program. The appointment
22 shall remain for the duration of the Task Force with the individual who
23 is Teacher of the Year at the time of the creation of the Task Force. If
24 that person is unable to serve, a North Carolina teacher chosen by the
25 cochairs shall fill the vacancy.
- 26 (9) The Principal of the Year, chosen by the Department of Public
27 Instruction through its Principal of the Year program. The appointment
28 shall remain for the duration of the Task Force with the individual who
29 is Principal of the Year at the time of the creation of the Task Force. If
30 that person is unable to serve, a North Carolina principal chosen by the
31 cochairs shall fill the vacancy.
- 32 (10) The Superintendent of the Year, chosen by the North Carolina
33 Association of School Superintendents through its Superintendent of
34 the Year program. The appointment shall remain for the duration of
35 the Task Force with the individual who is the Superintendent of the
36 Year at the time of the creation of the Task Force. If that person is
37 unable to serve, a North Carolina superintendent chosen by the
38 cochairs shall fill the vacancy.
- 39 (11) One member to represent business and industry appointed by the
40 Governor.
- 41 (12) One local school board member appointed by the Chair of the State
42 Board.
- 43 (13) One parent of a public school child appointed by the State
44 Superintendent of Public Instruction.

1 Sec. 6.3. The cochairs shall belong to different political parties. The State
2 Board chair and the chair of the Board of Governors shall consult to determine which of
3 them shall appoint the cochair who belongs to the party to which the majority of
4 registered voters belong and which of them shall appoint the cochair who belongs to the
5 party to which the largest minority of registered voters belong.

6 Sec. 6.4. The Task Force cochairs may contract for professional, clerical, or
7 consultant services. Facilitation of the work of the Task Force may be contracted to an
8 individual who has an excellent national reputation in the area of educational leadership
9 and modern management principles. Professional and clerical staff positions for the
10 Task Force may be filled by persons whose services are loaned to the Task Force to
11 fulfill the work of the Task Force.

12 Sec. 6.5. The General Administration of The University of North Carolina
13 shall provide meeting rooms, telephone, office space, equipment, and supplies to the
14 Task Force without charge.

15 Sec. 6.6. The Task Force shall study issues related to the training of
16 education leaders, including superintendents, central office program directors,
17 principals, and assistant principals. Issues for study by the Task Force shall include:

- 18 (1) Key characteristics of educational leadership, including the
19 knowledge, skills, and attitudes necessary to lead schools to high gains
20 in student learning;
- 21 (2) Entrance standards, methods to recruit and screen applicants,
22 curriculum design, instructional delivery, and the quality controls
23 needed to continually improve educational leadership programs;
- 24 (3) Comprehensive strategies to restructure administrator preparation. The
25 Task Force shall investigate varied methods of instructional delivery to
26 be used in educational leadership programs including collaborative,
27 interdisciplinary, and practice-based models, and use of the case
28 method;
- 29 (4) Incentives, including stipends and other methods, to attract the best
30 possible candidates to educational leadership programs;
- 31 (5) Methods to restructure university resources to assure cost efficiency
32 and quality. Educational leadership programs provided by any
33 institution shall be of the highest priority to that institution;
- 34 (6) Collaborative roles of those contributing to educational leadership
35 training including: the universities, local school systems, the
36 Department of Public Instruction, the Principals Executive Program,
37 business and industry, and the professional associations;
- 38 (7) Consideration of certification, licensure, and other methods to regulate
39 the profession and to promote excellence in educational leadership.
40 Credentials awarded should be based on performance which exhibits
41 knowledge of State programs, State standards, and effective leadership
42 skills;
- 43 (8) Whether certification or licensing should be periodically reevaluated
44 throughout an education leader's career;

- 1 (9) Use of assessment centers, evaluation panels, testing, and practice-
2 based measures to evaluate the quality of practicing and potential
3 education leaders;
- 4 (10) Methods to maintain rigorous, high quality professional development
5 that may continue throughout the education leader's career;
- 6 (11) Hiring practices of local school administrative units and
7 recommendations to encourage the identification and recruitment of
8 quality candidates who demonstrate leadership potential. Active
9 recruitment of minorities and females;
- 10 (12) Developmental training and support for first year principals, assistant
11 principals, and superintendents; and
- 12 (13) Supply and demand trends for administrators over the next 10 years.

13 Sec. 6.7. The Task Force shall make its final report and recommendations to
14 the Joint Legislative Education Oversight Committee no later than February 15, 1993,
15 and shall terminate on that date.

16 Sec. 6.8. Upon the request of the Task Force, all State departments and
17 agencies, all local governments and their subdivisions, and all institutions approved to
18 train public school administrators shall furnish the Task Force with any information in
19 their possession or available to them.

20 Sec. 6.9. Of the funds appropriated to the Department of Public Education
21 for aid to local school administrative units for the 1992-93 fiscal year, up to the sum of
22 sixty thousand dollars (\$60,000) shall be used to conduct the work of the Task Force. Of
23 the funds appropriated to the Department of Public Instruction for the 1992-93 fiscal
24 year, up to the sum of sixty thousand dollars (\$60,000) shall be used to conduct the
25 work of the Task Force.

26
27 **PART VII.— COMMISSION ON THE FAMILY**

28 (H.B. 1381 - Easterling)

29 Sec. 7.1. The Commission on the Family, as established in G.S. 120-70.70,
30 shall study State government policy and programs affecting child care issues. In
31 conducting its study the Commission shall consider the issues raised in House Bill 1381
32 of the 1991 General Assembly (Regular Session 1992). The Commission shall report its
33 findings and recommendations to the General Assembly no later than February 1 of
34 each odd-numbered year and June 1 of each even-numbered year.

35
36 **PART VIII.—SAFETY REORGANIZATION TASK FORCE**

37 (H.B. 1395 - Fitch, S.B. 984 - Plyler)

38 Sec. 8.1. There is hereby established the Safety Reorganization Task Force.
39 The Task Force shall study the regulatory responsibilities of State and local
40 governmental agencies involved with workplace safety and health and fire safety. The
41 Task Force shall consist of the following 10 individuals:

- 42 (1) The Commissioner of Labor, who shall also chair the Task Force;
43 (2) The Commissioner of Insurance or a designee;

- 1 (3) The Secretary of the Department of Environment, Health, and Natural
2 Resources or a designee;
3 (4) The Chairman of the Industrial Commission or a designee;
4 (5) The Chairman of the Public Utilities Commission or a designee;
5 (6) The Secretary of the Department of Transportation or a designee;
6 (7) The Chairman of the State Personnel Commission or a designee;
7 (8) The President of the North Carolina System of Community Colleges or
8 a designee;
9 (9) The President of the North Carolina League of Municipalities or a
10 designee; and
11 (10) The President of the North Carolina Association of County
12 Commissioners or a designee.

13 Anyone designating another to serve as a member in his or her stead must do
14 so by August 1, 1992. Members shall serve without compensation and until the
15 issuance of the final report.

16 Sec. 8.2. The Task Force shall submit a written report to the LRC Study
17 Committee on Fire and Occupational Safety at Industrial and Commercial Facilities no
18 later than October 1, 1992. The report shall recommend a proposed reorganization of
19 the occupational health and safety and fire safety network within State and local
20 government to better address the needs of employers and employees in this State.

21 The proposed reorganization should accomplish the following goals:

- 22 (1) Be as consolidated and coordinated as possible with clear areas of
23 responsibility and clear lines of authority;
24 (2) Be devoid of duplication;
25 (3) Be devoid of political or special interest influence;
26 (4) Be able to respond quickly, efficiently, and effectively to reports of
27 unsafe conditions and to emergencies;
28 (5) Clarify the role of local government in fire and safety protection in the
29 workplaces in their jurisdictions;
30 (6) Fully utilize the community colleges in training inspectors and offering
31 programs for safety committees and businesses that seek to improve
32 worker safety;
33 (7) Consider contracting with local fire agencies for inspections before
34 adding more people to the State payroll;
35 (8) Develop an educational component that will include the creation and
36 distribution of educational materials regarding workplace safety laws
37 and duties of employers and rights of workers, including brochures,
38 fliers, posters, public service spots for radio and television, newspaper
39 and magazine articles; and
40 (9) Include proposals for establishing supplementary inspection programs
41 in addition to those authorized under the Occupational Safety and
42 Health Act.

43 Sec. 8.3. The Department of Labor shall provide clerical and professional
44 assistance to the Task Force.

1

2 PART IX.—VOTER PARTICIPATION STUDY COMMISSION

3 (H.B. 1408 - Michaux)

4 Sec. 9.1. There is created the Voter Participation Study Commission;
5 hereafter referred to in this Part as 'Commission.'6 Sec. 9.2. The Commission shall consist of 15 members who are citizens of
7 North Carolina who are interested in devising methods to encourage and facilitate the
8 participation of qualified North Carolinians in the electoral process. Members shall be
9 appointed as follows:

- 10 (1) Five shall be appointed by the Governor. Of these, the Governor shall
-
- 11 appoint two elections supervisors.
-
- 12 (2) Five shall be appointed by the Speaker of the House. Of these, the
-
- 13 Speaker shall appoint a county official, a city official, and an official
-
- 14 with the State Board of Elections.
-
- 15 (3) Five shall be appointed by the President Pro Tempore of the Senate. Of
-
- 16 these, the President Pro Tempore shall appoint two local election
-
- 17 officials.

18 Sec. 9.3. The Speaker of the House and the President Pro Tempore of the
19 Senate shall each designate a Cochair of the Commission from one of his five
20 appointees. The Cochairs shall call the first meeting of the Commission as soon as all
21 members are appointed. Each member of the Commission shall serve a term of two
22 years.23 Sec. 9.4. The members of the Commission who are members of the General
24 Assembly shall receive subsistence and travel allowances at the rate set forth in G.S.
25 120-3.1. Members who are officials or employees of the State of North Carolina shall
26 receive subsistence and travel allowances at the rate set forth in G.S. 138-6. All other
27 members shall be paid the per diem allowances at the rates set forth in G.S. 138-5.28 Sec. 9.5. The Commission may hold its meetings in the State Legislative
29 Building or the Legislative Office Building with the prior approval of the Legislative
30 Services Commission. The Legislative Services Commission shall provide necessary
31 professional and clerical assistance to the Commission. If necessary, the Commission
32 may enter into contracts for services of experts outside the legislative staff in order to
33 fulfill its duties.34 Sec. 9.6. (a) With regard to statewide computerized voter registration, the
35 Commission shall:

- 36 (1) Design a statewide computerized voter registration system;
-
- 37 (2) Decide where the system shall be housed administratively;
-
- 38 (3) Develop a timetable for establishment of the system; and
-
- 39 (4) Recommend legislation to the General Assembly to implement
-
- 40 subdivisions (1), (2), and (3) of this section.

41 (b) With regard to campaign regulation, the Commission shall:

- 42 (1) Review Articles 22, 22A, 22B, and 22C of Chapter 163 of the General
-
- 43 Statutes; and

1 (2) Recommend to the General Assembly needed changes to those
2 Articles.

3 (c) The Commission shall report its progress to the General Assembly prior to
4 February 1 of each year and shall issue a final report before March 15, 1994. The
5 Commission shall terminate upon the filing of its final report.

6 Sec. 9.7. There is appropriated from the General Fund to the North Carolina
7 Commission to Improve Voter Participation the sum of two hundred fifty thousand
8 dollars (\$250,000) for the 1992-93 fiscal year to implement the provisions of this Part.

9

10 PART X.—JOINT LEGISLATIVE SELECT COMMITTEE ON A
11 COMPREHENSIVE COMPENSATION SYSTEM FOR STATE EMPLOYEES

12 (H.B. 1452 - Fitch, S.B. 1035 - Johnson)

13 Sec. 10.1. The Joint Legislative Select Committee on a Comprehensive
14 Compensation System for State Employees is created. The Committee shall consist of
15 12 members.

16 Six members shall be appointed by the President Pro Tempore of the Senate
17 as follows:

- 18 (1) Four Senators;
19 (2) A State employee; and
20 (3) One person from the private sector with expertise in compensation.

21 Six members shall be appointed by the Speaker of the House of
22 Representatives as follows:

- 23 (1) Four members of the House of Representatives;
24 (2) A State employee; and
25 (3) One person from the private sector with expertise in compensation.

26 Members appointed because they are members of the Senate or members of
27 the House of Representatives may serve until completion of the Committee's work
28 notwithstanding that they may no longer be members of that body.

29 Sec. 10.2. The President Pro Tempore of the Senate shall designate one
30 Senator as cochairman and the Speaker of the House of Representatives shall designate
31 one Representative as cochairman.

32 Sec. 10.3. The Committee shall consider the comprehensive compensation
33 system issues contained in the Third Edition of Senate Bill 1035 of the 1991 General
34 Assembly which was identical as introduced to House Bill 1425. The Committee shall
35 make proposals as to the revision, if necessary, of that proposed system as will permit
36 the system's implementation not later than July 1, 1993.

37 Sec. 10.4. The Committee shall submit a final report of its findings and
38 recommendations to the General Assembly on or before March 15, 1993, by filing the
39 report with the President Pro Tempore of the Senate and the Speaker of the House of
40 Representatives. Upon filing its final report, the Committee shall terminate.

41 Sec. 10.5. The Committee may meet at any time upon the joint call of the
42 cochairmen. With the prior approval of the Legislative Services Commission, the
43 Committee may meet in the Legislative Building or the Legislative Office Building.

1 Sec. 10.6. Members of the Committee shall receive subsistence and travel
2 expenses at the rates set forth in G.S. 120-3.1, 138-5, and 138-6, as appropriate.

3 Sec. 10.7. The Committee may contract for professional, clerical, or
4 consultant services as provided by G.S. 120-32.02. The Legislative Services
5 Commission, through the Legislative Administrative Officer, shall assign professional
6 staff to assist in the work of the Committee. The House of Representatives' and the
7 Senate's Supervisor of Clerks shall assign clerical staff to the Commission or
8 Committee, upon the direction of the Legislative Services Commission. The expenses
9 relating to clerical employees shall be borne by the Committee.

10 Sec. 10.8. When a vacancy occurs in the membership of the Committee the
11 vacancy shall be filled by the same appointing officer who made the initial appointment.

12 Sec. 10.9. All State departments and agencies and local governments and
13 their subdivisions shall furnish the Committee with any information in their possession
14 or available to them.

15 Sec. 10.10. There is appropriated from the General Fund to the General
16 Assembly the sum of thirty thousand dollars (\$30,000) for the 1992-93 fiscal year for
17 the expenses of the Committee established by this Part.

18 19 PART XI.—COMMISSION ON ACCESS TO HEALTH INSURANCE

20 Sec. 11.1. Health Care Access and Cost Control Plan (H.B. 1458 - Gamble).
21 In addition to its other duties, the Commission on Access to Health Insurance shall
22 study the need and feasibility of establishing a North Carolina Health Care Access and
23 Cost Control Plan, as proposed in House Bill 1458 of the 1991 General Assembly
24 (Regular Session 1992).

25 Sec. 11.2. One Day Conference (H.B. 1614 - Jeralds). Section 9.1 of Chapter
26 754 of the 1991 Session Laws is amended by adding the following new subdivision to
27 read:

28 "(6) The feasibility of using resources made available from the business
29 community and from philanthropic sources to hold during 1992 a one-
30 day conference on the subject of 'access to health care'. If the
31 Commission determines that a conference is feasible through these
32 resources, then the Commission shall use the resources to arrange for
33 the conference to take place."

34 Sec. 11.3. Access to Primary Care (H.B. 1564 - R. Hunter, S.B. 1108 -
35 Forrester). In addition to its other duties, the Commission on Access to Health
36 Insurance shall study and make recommendations on the issues involved with the
37 critical shortage of primary care physicians and the impact of this shortage on access to
38 health care. The Commission may consider the provisions of House Bill 1564 and
39 Senate Bill 1108 of the 1991 General Assembly (Regular Session 1992) in determining
40 the nature, scope, and aspects of this study.

41 42 PART XII.—CANCER CONTROL STUDY COMMISSION

43 (H.B. 1617 - Jeralds, S.B. 1116, S.B. 1166 - Daniel)

1 Sec. 12.1. The Cancer Control Study Commission is created. The
2 Commission shall consist of 20 members who shall be appointed as follows:

- 3 (1) Ten members appointed by the President Pro Tempore of the Senate as
4 follows:
5 a. Five members of the Senate;
6 b. One person from each of the three North Carolina
7 Comprehensive Cancer Centers;
8 c. A member of the North Carolina Nurses Association; and
9 d. The State Health Director, or his designee; and
10 (2) Ten members appointed by the Speaker of the House of
11 Representatives as follows:
12 a. Five members of the House of Representatives;
13 b. A member of the Cancer Committee of the North Carolina
14 Medical Society;
15 c. A member of the Old North State Medical Society;
16 d. A volunteer of the American Cancer Society, North Carolina
17 Division, Inc.;;
18 e. A representative of the North Carolina Hospital Association;
19 and
20 f. A member of the Local Health Directors' Association.

21 Sec. 12.2. The President Pro Tempore of the Senate shall designate one
22 Senator as cochair and the Speaker of the House of Representatives shall designate one
23 Representative as cochair. The cochairs shall call the first meeting and preside at
24 alternate meetings.

25 Sec. 12.3. The Commission shall study cancer control activities and services
26 in North Carolina and make recommendations that will assure coordinated and
27 adequately financed statewide cancer control efforts.

28 Sec. 12.4. The Commission shall submit a final report of its findings and
29 recommendations to the General Assembly by filing the report with the President Pro
30 Tempore of the Senate and the Speaker of the House of Representatives no later than
31 March 31, 1993. Upon filing its final report, the Commission shall terminate.

32 Sec. 12.5. The Commission may meet at any time upon the joint call of the
33 cochairs. With the prior approval of the Legislative Services Commission, the
34 Commission may meet in the Legislative Building or the Legislative Office Building.

35 Sec. 12.6. Members of the Commission shall receive subsistence and travel
36 expenses at the rates set forth in G.S. 120-3.1, 138-5, and 138-6, as applicable.

37 Sec. 12.7. The Commission may contract for professional, clerical, or
38 consultant services as provided by G.S. 120-32.02, and may purchase or contract for the
39 materials and services it needs. The Legislative Services Commission, through the
40 Legislative Administrative Officer, shall assign professional staff to assist in the work
41 of the Commission. The House of Representatives' and the Senate's Supervisor of
42 Clerks shall assign clerical staff to the Commission, upon the direction of the
43 Legislative Services Commission. The expenses relating to clerical employees shall be
44 borne by the Commission.

1 Sec. 12.8. When a vacancy occurs in the membership of the Commission, the
2 vacancy shall be filled by the same appointing officer who made the initial appointment.

3 Sec. 12.9. All State departments and agencies and local governments and
4 their subdivisions shall furnish the Commission with any information in their possession
5 or available to them.

6 Sec. 12.10. There is appropriated from the General Fund to the General
7 Assembly the sum of ten thousand dollars (\$10,000) for the 1992-93 fiscal year for the
8 expenses of the Commission established by this Part.

9
10 PART XIII.—BILLS AND RESOLUTIONS REFERENCES

11 Sec. 13.1. The listing of the original bill or resolution in this act is for
12 information purposes only and shall not be deemed to have incorporated by reference
13 any of the substantive provisions contained in the original bill or resolution.

14
15 PART XIV.—APPROPRIATION FOR STUDIES

16 Sec. 14.1. In addition to other appropriations, there is appropriated from the
17 General Fund to the General Assembly's Legislative Research Commission the sum of
18 one hundred fifty thousand dollars (\$150,000) for the 1992-93 fiscal year to fund its
19 work.

20
21 PART XV.—EFFECTIVE DATE

22 Sec. 15.1. Except as otherwise specifically provided, this act becomes
23 effective July 1, 1992.