

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 754  
SENATE BILL 917

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.

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

- (1) Revenue Laws and the Administration of these Laws, including reviewing the State's revenue laws to determine which laws need clarification, technical amendment, repeal, or other change to make the laws concise, intelligible, easy to administer, and equitable—study continued (H.J.R. 7 - Lilley),
- (2) Medical Malpractice Claims Arbitration – study continued (H.B. 120 - Robinson, S.B. 65 - Sands),
- (3) Surface Water Issues, including consumptive uses of water and the effect of such uses on the State's water resources, other present and projected uses of water, impoundments, and water resources management—study continued (H.J.R. 127 - Payne, S.J.R. 85 - Block),
- (4) State Parks and Recreation Areas—study continued (H.B. 141 - N.J. Crawford),
- (5) Homeless Persons—study continued (H.J.R. 164 - Lutz),
- (6) Worker Training Trust Fund—study continued (H.B. 170 - James, S.B. 203 - Raynor),
- (7) Impact of National Developments within the North Carolina Depository Institutions Industry (H.B. 177 - Brubaker),
- (8) Department of Transportation Condemnation Practices and Procedures, including the determination of land to be taken, the negotiations with the owner, "quick take" procedures, bringing the condemnation action in court, the compensation, and the award of interest paid on the compensation award (H.B. 261 - Gamble),
- (9) Education and Training of Nurses and Shortage of Nurses (H.B. 312 - Nesbitt, S.B. 276 - Daniel),
- (10) Horse Racing in North Carolina, including its economic and societal impacts, the benefits to the agribusiness industry in the State, potential

- taxes and fees that could be collected, methods for regulation, and other related issues (H.B. 341 - James, S.B. 917 - Martin of Guilford),
- (11) Effectiveness and Efficiency of the Public Health System's Delivery of Health Services to the Citizens of the State – study continued (H.B. 476 - Payne, S.B. 367 - Walker, S.B. 407 - Walker),
  - (12) All Issues, Including Insurance Coverage, Relating to Individual, Personal Liability of State Personnel for Official Acts (H.B. 509 - Flaherty),
  - (13) Alternative Approaches to Deal with Discrimination in Employment (H.B. 555 - Kennedy),
  - (14) Information on the Financial Soundness of Financial Institutions (H.B. 580 - Gamble),
  - (15) Turfgrass and Forage Assessment, including the issue of allowing producers and others in the industry to levy upon themselves an assessment for the purpose of generating funds for research and educational activities relating to the use of turfgrass and forage (H.B. 633 - James, S.B. 702 - Murphy),
  - (16) Financial Institutions, including regulations and taxes applicable to commercial banks, savings institutions, and credit unions (H.J.R. 696 - Gamble),
  - (17) Public Transportation (H.J.R. 700 - Hurley),
  - (18) Governor's Powers (H.J.R. 731 - James),
  - (19) Crop Depredation Caused by Wildlife such as Deer and Bear (H.J.R. 732 - James),
  - (20) Boating and Water Safety (H.B. 834 - Brawley),
  - (21) Transfer of the Soil and Water Conservation Division of the Department of Environment, Health, and Natural Resources to the Department of Agriculture (H.J.R. 856 - James),
  - (22) Transfer of the Forest Resources Division of the Department of Environment, Health, and Natural Resources to the Department of Agriculture (H.J.R. 857 - James),
  - (23) Use of Prison Inmates (H.J.R. 867 - Albertson),
  - (24) Regulation of Temporary and Other Employment Agencies; Consumer Protection Issues; Licensing Boards (H.J.R. 917 - Wainwright, H.B. 284 - Hasty, H.B. 154 - Holmes),
  - (25) Workers' Compensation for Farm Workers (H.B. 952 - Hackney),
  - (26) Inequities in the Salaries of Equally Qualified Minorities, Females, and Nonminority Males within Occupational Categories in State Employment (H.B. 957 - Fitch, S.J.R. 839 - Martin of Guilford),
  - (27) Glass and Plastic Beverage Container Deposits and Refunds (H.B. 1007 - Gottovi),
  - (28) Amortization of Nonconforming Uses of Property (H.B. 1009 - S. Hunt),

- (29) Ways to Promote the Conservation of Energy and the Use of Renewable Energy Sources in Residential, Commercial, Industrial, and Public Facilities (H.J.R. 1021 - Luebke, S.J.R. 789 - Plexico),
- (30) Rights of Victims of Crime (H.B. 1033 - Grady),
- (31) Prehospital Emergency Cardiac Care (H.J.R. 1051 - Green),
- (32) Promoting the Development of Environmental Science and Bridging Environmental Science and Technology with Public Policy Decision Making (H.B. 1070 - Woodard),
- (33) Economic Development and Revitalization of Downtowns (H.J.R. 1083 - Hasty),
- (34) Methods to Increase the Developmental Lending Capacity of Financial Institutions to Strengthen Low and Moderate Income Communities (H.B. 1084 - McAllister),
- (35) Hazardous Waste Treatment and Disposal—study continued, (H.J.R. 1095 - Hightower),
- (36) Feasibility of Toll Roads (H.B. 1098 - Bowman),
- (37) Basic Civil Rights of Law Enforcement Officers (H.J.R. 1130 - Miller),
- (38) Statewide Comprehensive Planning (H.J.R. 1157 - Hardaway),
- (39) Length of the School Year and Compulsory School Attendance Ages Issues (H.B. 1186 - Rogers),
- (40) Management of Hazardous Materials Emergencies and Establishment of Regional Response Teams (H.B. 1210 - Flaherty, S.B. 922 - Martin of Pitt),
- (41) Firefighter Benefits, including retirement, death, and disability (H.J.R. 1211 - Fitch),
- (42) Railroads—study continued, including the present condition of the rail transportation system, the future of railroads, rail revitalization, and rail corridor preservation (H.J.R. 1226 - Abernethy, S.J.R. 906 - Block),
- (43) Uniform Administration of All County Register of Deeds Offices (H.B. 1232 - Buchanan),
- (44) Transfer of the Health Divisions from the Department of Human Resources to the Department of Environment, Health, and Natural Resources (H.J.R. 1280 - Jeralds),
- (45) Regulation of Aerial Application of Pesticides (H.J.R. 1289 - James),
- (46) Minority Tourism Proposal, including ways to encourage minorities to visit the State for the purposes of tourism, conferences, and conventions (H.J.R. 1292 - Hardaway),
- (47) Annexation Laws (H.J.R. 1295 - Decker),
- (48) Pay Plan for State Employees,
- (49) Development of a State Strategy for the Protection of All Groundwater Resources – study continued (S.J.R. 13 - Tally),
- (50) Physical Fitness Among North Carolina Youth (S.B. 15 - Tally),

- (51) Solid Waste and Medical Waste Management – study continued, including the use of incineration, particularly the use of mobile incinerators, as a method of treatment (S.J.R. 143 - Tally),
- (52) Advance Disposal Fees Used To Promote Nonhazardous Solid Waste Reduction and Recycling (S.B. 229 - Odom).
- (53) Public School Administrators (S.B. 441 - Perdue),
- (54) Motor Vehicle Towing and Storage (S.B. 687 - Sands),
- (55) Revision of the Arson Statutes (S.J.R. 736 - Sands),
- (56) Tourism's Growth and Effect – study continued (S.B. 819 - Warren),
- (57) Emergency Medical Services Act of 1973 (S.J.R. 902 - Speed),
- (58) State Correctional Education (S.B. 945 - Carter),
- (59) State Emergency Management Program, including natural hazards, recovery operations for Presidential or Gubernatorial declared disasters, and catastrophic hazards (S.J.R. 946 - Basnight),
- (60) Law Enforcement Issues (S.J.R. 955 - Perdue),
- (61) Teacher Leave (H.B. 334 - Bowman),
- (62) North Carolina Air Cargo Airport Authority (S.B. 649),
- (63) Licensure of Radiologic Technologists as requested in the Final Assessment Report on Senate Bill 738 by the Legislative Committee on New Licensing Boards,
- (64) Sales Tax Impact on Merchants, including the effects of the short notice time for the implementation of the 1991 sales tax increase, and
- (65) Methods to Improve Voter Participation.

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

- (1) Prior recommendations of other study commissions which have reviewed child day care services since 1980 and an assessment of compliance with these recommendations;
- (2) The advantages and costs associated with measures to improve the quality of day care, including lowering staff/child ratios, enhancing day care teacher credentialing, improving training of day care teachers, and improving the salaries of all day care workers;
- (3) Measures to enhance the availability and affordability of day care in currently underserved areas of the State, especially rural communities;
- (4) Ways to maximize the positive impact on North Carolina's child day care providers and resource and referral networks from the availability of federal funds under the Child Care Block Grant;
- (5) The implementation of the Governor's Uplift Child Day Care initiative;
- (6) The current statutory regulation of child day care and the procedures used to develop policies and rules under the current structure; and

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

Sec. 2.3. Beach and FAIR Plans Study (Basnight, Block). The Legislative Research Commission may study the North Carolina Insurance Underwriting Association and its operation of the Beach Plan, which was authorized by Article 45 of Chapter 58 of the General Statutes to provide an adequate market for essential property insurance in the beach area of North Carolina; and the underwriting association of the FAIR Plan and its operation of the FAIR Plan, which was authorized by Article 46 of Chapter 58 of the General Statutes to facilitate the issuance of basic property insurance to encourage the improvement of properties considered to be high risk. The study, if undertaken, may include the following:

- (1) The operating procedures and operating plans of the Beach Plan and the FAIR Plan;
- (2) How the Beach Plan and the FAIR Plan effect coverage;
- (3) The types of coverage offered, including coverage for wind and hail damage, by the Beach Plan and the FAIR Plan, and coverage availability and cost; and
- (4) Whether the operations of the Beach Plan and the FAIR Plan are fulfilling the purposes of the plans, as stated in their statutory authorizations.

Sec. 2.4. North Carolina Indian Cultural Center Study (Martin of Guilford, Parnell). The Legislative Research Commission may study the issue of developing the North Carolina Indian Cultural Center in Robeson County. This study may include:

- (1) The purpose of and need for the North Carolina Indian Cultural Center and the history of its development up to the current time;
- (2) Identification of the barriers to the Center's development, the impact of those barriers, and methods for overcoming those barriers;
- (3) Examination of various models of similar centers to determine if those models are adaptable to circumstances in North Carolina;
- (4) Determination of the direct and collateral benefits to be derived from this project and to whom those benefits accrue; and
- (5) Any related issues the committee deems appropriate.

Sec. 2.5. Lobbyist Regulation Study (Odom). The Legislative Research Commission may study the implementation of House Bill 89, if ratified. The study, if undertaken, may include the following issues:

- (1) Whether additional changes should be made in Article 9A of Chapter 120 of the General Statutes concerning lobbying and lobbyists;
- (2) Whether the law governing lobbying and lobbyists should be expanded to cover lobbying of the executive branch, including administrative agencies, boards and the Council of State; and

- (3) Lobbying in the General Assembly by State departments, agencies, boards, local governments, or other organizations.

Sec. 2.6. Governmental Ethics Study (S.B. 259 - Daniel). The Legislative Research Commission may study the advisability of, by law, adopting or authorizing the adoption of ethical codes for State and local governmental officials and employees in North Carolina. If the study is undertaken, the Commission may investigate:

- (1) The strengths and weaknesses of the present systems of helping to insure ethical conduct for administrative officials and employees at the State and local level;
- (2) Whether a single agency should be established to coordinate the State and local efforts at insuring ethical administrative conduct, or whether local government units should have a separate mechanism or mechanisms to accomplish this end;
- (3) If coordinating agency or agencies should be created or authorized:
  - a. The agency or agencies' duties and powers, including the authority to create codes of ethics for those officials and employees, and to advise those affected on the conformity of conduct to those codes;
  - b. Adequate standards on which to base these codes;
  - c. The public officials and employees who should be subject to the jurisdiction of the agency or agencies;
  - d. The sanctions, if any, which should attend the violation of an established ethical code; and
- (4) Whether the present criminal law is adequate to cover grossly offensive unethical conduct.

Sec. 2.7. Committee Membership. For each Legislative Research Commission Committee created during the 1991-93 biennium, the cochairs of the Commission shall appoint the Committee membership.

Sec. 2.8. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1992 Regular Session of the 1991 General Assembly or the 1993 General Assembly, or both.

Sec. 2.9. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.10. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

### PART III.—RAILROAD ADVISORY COMMISSION

(H.B. 57 - Abernethy, S.B. 86 - Block)

Sec. 3.1. There is created the Railroad Advisory Commission. The Commission shall consist of 12 members, appointed as follows:

- (1) Two members appointed by the Governor, one of whom shall be knowledgeable about the railroad business and one of whom shall be an advocate of passenger rail service;
- (2) The Speaker of the House of Representatives or another member of the House of Representatives serving as the Speaker's designee, and two other members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (3) The President Pro Tempore of the Senate or another member of the Senate serving as the President Pro Tempore's designee, and two other members of the Senate appointed by the President Pro Tempore of the Senate;
- (4) The Secretary of Transportation, or a member of his staff appointed by the Secretary of Transportation;
- (5) The State Treasurer, or a member of his staff appointed by the Treasurer;
- (6) Two officers or directors of the North Carolina Railroad Company appointed by its Board of Directors.

The Attorney General or the Attorney General's designee shall also participate and attend meetings of the Commission in accordance with Section 3.12 of this Part.

Sec. 3.2. Commission members shall be appointed no later than September 1, 1991, and shall serve at the pleasure of the appointing authority. Any vacancies on the Commission shall be filled by the original appointing authority. The President Pro Tempore of the Senate or the President Pro Tempore's designee on the Commission shall call the initial meeting of the Commission.

Sec. 3.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair from the membership of the Commission.

Sec. 3.4. The cochairs of the Commission may appoint an Executive Committee for any purpose as determined by the Commission.

Sec. 3.5. Members of the Commission shall be reimbursed as follows:

- (1) Members of the General Assembly shall receive subsistence and travel allowances as provided in G.S. 120-3.1.
- (2) All other members shall receive per diem, subsistence, and travel allowances as provided in G.S. 138-5.

Sec. 3.6. The Commission shall terminate June 30, 1995.

Sec. 3.7. The Governor, in making appointments to the Board of Directors of the North Carolina Railroad Company under the charter provisions, should seek to ensure continuity in the Board and to maintain cooperation between the Board and the Commission.

Sec. 3.8. The Commission or its Executive Committee may meet in executive session.

Sec. 3.9. The Commission shall advise the Governor, Council of State, and General Assembly on its opinion of any proposed lease or other transaction involving all or a substantial portion of the assets of the North Carolina Railroad Company. If shareholder approval by the Governor and Council of State of a lease or other transaction is required, the Commission shall advise the Governor, Council of State, and General Assembly of its opinion on whether approval should be granted.

Sec. 3.10. If the Commission determines by June 30, 1993, that it is unable to recommend any action, it shall report that fact to the General Assembly so that alternative action may be taken before the expiration of the leases on December 31, 1994.

Sec. 3.11. Upon recommending to the General Assembly a lease or other transaction, the Commission shall also recommend the use to be made of increased dividend payments.

Sec. 3.12. The Department of Justice shall provide necessary assistance to the Commission.

Sec. 3.13. There is appropriated from the General Fund to the Department of Justice the sum of \$20,000 for the 1991-92 fiscal year and the sum of \$20,000 for the 1992-93 fiscal year for the operation of the Commission created by this Part.

#### PART IV.—STATE PERSONNEL STUDY COMMISSION

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

Sec. 4.1. There is created a Study Commission on the State Personnel System to be composed of nine members: three Senators to be appointed by the President Pro Tempore of the Senate, three Representatives to be appointed by the Speaker of the House, and three public members to be appointed by the Governor. The President Pro Tempore of the Senate and the Speaker of the House shall each designate a cochairman from their appointees. Either cochairman may call the first meeting of the Study Commission. Vacancies shall be filled in the same manner as the original appointments were made.

Sec. 4.2. The Study Commission is authorized to study all aspects of the State Personnel System including, but not limited to, the impact of State and local governmental employees' retirement benefits increases, the impact of the exemption from State taxes of State, local, federal, and private retirement benefits, and public employees' day care and medical and dental benefits.

Sec. 4.3. With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of the House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Study Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

Sec. 4.4. The Study Commission may submit an interim report of its findings and recommendations and the status of its work on or before the first day of the 1992 Regular Session of the 1991 General Assembly. The Study Commission shall submit a

final written report of its findings and recommendations on or before the convening of the 1993 Session of the General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

Sec. 4.5. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

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

Sec. 4.6. There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission to the Study Commission on the State Personnel System for its work the sum of \$25,000 for the 1991-92 fiscal year and the sum of \$20,000 for the 1992-93 fiscal year.

## PART V.—SOCIAL SERVICES STUDY COMMISSION

(H.B. 173 - Easterling)

Sec. 5.1. There is reestablished and continued the Social Services Study Commission, an independent commission, to study public social services and public assistance in North Carolina and to recommend improvements that will assure that North Carolina has cost-effective, consistently administered public social services and public assistance programs.

Sec. 5.2. The Commission shall consist of nine members. The Speaker of the House of Representatives shall appoint three members. The President Pro Tempore of the Senate shall appoint three members. The Governor shall appoint three members. Vacancies shall be filled by the official who made the initial appointment using the same criteria as provided by this section.

Sec. 5.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Commission from their appointees. The cochairs shall call the first meeting and preside at alternate meetings.

Sec. 5.4. The Social Services Study Commission shall continue to examine the need for improvements in the State's social services system and develop legislation to address those needs. The Commission shall also provide oversight and review the further development and implementation of the Social Services Plan. The Commission shall also monitor and review efforts within the Department of Human Resources to plan for the efficient and timely implementation of federal welfare reform provisions.

Sec. 5.5. The Commission members shall receive no salary for their services but shall receive subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

Sec. 5.6. Subject to the provisions of G.S. 120-32.02, the Commission may solicit, employ, or contract for professional, technical, or clerical assistance, and may purchase or contract for the materials or services it needs. Subject to the approval of the Legislative Services Commission, the professional and clerical staff of the Legislative

Services Office shall be available to the Commission, and the Commission may meet in the Legislative Building or the Legislative Office Building. With the consent of the Secretary of the Department of Human Resources, staff employed by the Department or any of the divisions may be assigned permanently or temporarily to assist the Commission or its staff.

Sec. 5.7. Upon request of the Commission or its staff, all State departments and agencies and all local governmental agencies shall furnish the Commission or its staff with any information in their possession or available to them.

Sec. 5.8. The Commission shall submit a final written report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate before or upon the convening of the 1993 Session of the General Assembly. The Commission shall terminate upon the filing of the report.

Sec. 5.9. There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission the sum of \$15,000 for the 1991-92 fiscal year and the sum of \$10,000 for the 1992-93 fiscal year for the expenses of the Commission created by this Part.

#### PART VI.—MENTAL HEALTH STUDY COMMISSION

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

Sec. 6.1. The Mental Health Study Commission, established and structured by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; Chapter 873, 1987 Session Laws; and Chapter 802, 1989 Session Laws as amended in 1990; is reestablished and authorized to continue in existence until July 1, 1993.

Sec. 6.2. The continued Mental Health Study Commission shall have all the powers and duties of the original Study Commission as they are necessary to continue the original study, to assist in the implementation of the original and succeeding Study Commission recommendations and to plan further activity on the subject of the study.

Sec. 6.3. Members and staff of the continued Mental Health Study Commission shall receive compensation and expenses as under the original authorization in the 1973 General Assembly Resolution 80. Expenses of the Commission shall be expended by the Department of Human Resources from Budget Code 14460, subhead 1110.

Sec. 6.4. In addition to other studies authorized by law, the Mental Health Study Commission shall:

- (1) Have oversight, review and make recommendations regarding the implementation of the Adult Substance Abuse Treatment Plan, the Comprehensive Long Range Plan for Adults with Severe and Persistent Mental Illness, the Child Mental Health Plan, the Youth Substance Abuse Plan, and the Developmental Disabilities Services Plan;

- (2) Evaluate and develop recommendations regarding quality of services provided for individuals with mental health, developmental disabilities and substance abuse problems;
- (3) Monitor implementation of Commission recommendations to improve mental health, mental retardation and substance abuse services to jails;
- (4) Have oversight, review and make recommendations regarding the implementation of the Pioneer System and the Commission's Long Range Funding Initiatives Project;
- (5) Coordinate with the North Carolina Council on Developmental Disabilities in updating the Developmental Disabilities Services Plan.

#### PART VII.—MOTOR FUEL PRICING STUDY COMMISSION

(H.B. 557 - Hardaway)

Sec. 7.1. The Motor Fuel Pricing Study Commission is created. The Commission shall:

- (1) Undertake a comprehensive review and analysis of the methods used to market motor fuels to independent wholesalers and retailers of motor fuel in North Carolina;
- (2) Determine whether these pricing systems are fair to these independent wholesalers and retailers;
- (3) Determine the most fair and equitable means to prevent subsidized and unfair pricing in the marketing of motor fuels to wholesalers and retailers of motor fuel in order to best protect the interests of the citizens of this State; and
- (4) Study whether refiners of motor fuel should be prohibited from owning and operating retail motor fuel outlets in this State.

Sec. 7.2. The Commission shall consist of 10 members to be appointed as follows:

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

Sec. 7.3. Members appointed to the Commission shall serve until the Commission makes its final report. Vacancies on the Commission shall be filled in the same manner as the original appointments were made.

Sec. 7.4. Upon request of the Commission or its staff, all State departments and agencies shall furnish to the Commission or its staff any information in their possession or available to them.

Sec. 7.5. The Commission may submit an interim report of its findings and recommendations and the status of its review and analyses to the General Assembly on or before the first day of the 1992 Regular Session of the 1991 General Assembly. The Commission shall submit the final report of its findings and recommendations to the General Assembly on or before January 15, 1993. All reports shall be submitted by

filing the report with the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Commission shall terminate upon filing its final report.

Sec. 7.6. The Commission shall meet upon the call of the cochairs.

Sec. 7.7. Upon approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of the House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

Sec. 7.8. Members of the Commission shall be paid per diem, subsistence, and travel allowances at the rate established in G.S. 120-3.1.

Sec. 7.9. There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission to the Motor Fuel Pricing Study Commission for its work the sum of \$15,000 for the 1991-92 fiscal year and the sum of \$15,000 for the 1992-93 fiscal year.

#### PART VIII.—JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE STUDY OF THE TRANSFER OF THE AUTHORITY VESTED IN THE MARINE FISHERIES COMMISSION TO GRANT SHELLFISH LEASES TO THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

(H.B. 1032 - Grady)

Sec. 8.1. In addition to the powers and functions set forth in Article 12F of Chapter 120 of the General Statutes, the Joint Legislative Commission on Seafood and Aquaculture shall study the authority vested in the Marine Fisheries Commission to grant shellfish leases and whether that authority should be transferred to the Secretary of the Department of Environment, Health, and Natural Resources.

Sec. 8.2. The Commission may report to the 1992 Regular Session of the 1991 General Assembly, and shall report on or before the first day of the 1993 Legislative Session on its findings, together with any recommended legislation.

#### PART IX.—COMMISSION ON ACCESS TO HEALTH INSURANCE

(H.B. 1077 - Jeralds, S.B. 595 - Perdue)

Sec. 9.1. The Commission on Access to Health Insurance is created. The Commission shall study the issues involved in designing a program to ensure that all citizens of the State have access to affordable health insurance that provides coverage for basic health care needs. In conducting its study, the Commission shall consider:

- (1) Programs the State could implement to provide health insurance coverage at an affordable price to all North Carolinians, including the feasibility of:
  - a. An employer-based health insurance plan, which would include a State pool to cover those who are not in the labor force, and

the need for tax incentives to enable certain employers to offer health insurance; and

b. A comprehensive single payor plan, based on the Canadian health care model.

- (2) Methods of containing the rising costs of health insurance.
- (3) The need for health insurance reform.
- (4) The benefits to be included in a basic health care package.
- (5) How the Access Forum, convened by the North Carolina Institute of Medicine, and other states have proposed to address the problem surrounding access to adequate and affordable health insurance.

Sec. 9.2. The Commission shall consist of 26 members as follows:

- (1) The Speaker of the House of Representatives shall appoint nine members as follows: five members of the House of Representatives; one member who is the president or vice-president of a business employing less than 20 employees; one member who represents a health maintenance organization that provides health care in the State; one member who is a hospital administrator; and one member who is a public member who is uninsured;
- (2) The President Pro Tempore of the Senate shall appoint nine members as follows: five members of the Senate; one member who is the president or vice-president of a business employing more than 100 employees; one member who is a health care provider; one member who represents an insurance company that provides health insurance coverage in this State; and one public member who is knowledgeable about the problems of the uninsured;
- (3) The President of the North Carolina Medical Society, or his representative;
- (4) The President of the North Carolina Hospital Association, or his representative;
- (5) The Commissioner of Insurance, or his designee;
- (6) The President of North Carolina Citizens for Business and Industry;
- (7) The President of Merchants Association;
- (8) The President of the Foundation for Alternative Health Programs;
- (9) The President of the State Employees Association of North Carolina; and
- (10) The President of the North Carolina AFL-CIO.

Vacancies in the membership appointed under subdivisions (1) and (2) of this section shall be filled by the official who made the initial appointment using the same criteria as provided in this section.

Sec. 9.3. The President Pro Tempore of the Senate shall designate one Senator as cochair and the Speaker of the House of Representatives shall designate one Representative as cochair. The cochairs shall call the first meeting.

Sec. 9.4. In addition to its regular meetings, the Commission shall hold three public hearings across the State, to solicit (i) input about the extent of the problem of the

uninsured and underinsured, and (ii) potential solutions to ensure that all citizens have access to adequate and affordable health care.

Sec. 9.5. The Commission shall submit an interim report on or before the first day of the 1991 General Assembly, Regular Session 1992, by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Sec. 9.6. The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before the first day of the 1993 Session of the General Assembly by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

Sec. 9.7. Legislative members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1. Public members of the Commission shall not receive subsistence, per diem or travel expenses.

Sec. 9.8. The Commission may contract for clerical or professional staff or for any other services it may require in the course of its ongoing study. At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services Office and clerical assistance to the Commission as the Legislative Services Commission deems appropriate. The Commission may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building.

Sec. 9.9. The Commission may accept gifts, grants, donations, or contributions from any source. These funds shall be held in a separate account and used solely in furtherance of the study.

Sec. 9.10. There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission to the Commission established by this Part the sum of \$50,000 for the 1991-92 fiscal year and the sum of \$50,000 for the 1992-93 fiscal year.

#### PART X.—ENERGY ASSURANCE STUDY COMMISSION CONTINUATION

Sec. 10.1. Section 6.4 of Chapter 802 of the 1989 Session Laws, as amended by Section 3.3 of Chapter 1078 of the 1989 Session Laws reads as rewritten:

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

Sec. 10.2. Funds allocated to the North Carolina Energy Assurance Study Commission pursuant to the provisions of Section 3.1 and Section 3.2 of Chapter 1078 of the 1989 Session Laws which have not been expended at the end of the 1990-91 fiscal year shall not revert but shall remain available to the Study Commission for its expenses during the 1991-92 fiscal year.

PART XI.—JOINT SELECT FISCAL TRENDS AND REFORM COMMISSION

Sec. 11.1. There is allocated from the funds appropriated to the General Assembly for the Joint Select Fiscal Trends and Reform Commission, created by Chapter 689 of the 1991 Session Laws, the sum of \$50,000 for fiscal year 1991-92 and the sum of \$50,000 for the fiscal year 1992-93.

PART XII.—ENVIRONMENTAL REVIEW COMMISSION TO STUDY PERMITTING OF PRIVATELY OPERATED LANDFILLS

(H.B. 1090 - Privette)

Sec. 12.1. The Environmental Review Commission shall study the North Carolina Environmental Policy Act of 1971, Article 1 of Chapter 113A of the General Statutes in relation to the permitting of sanitary landfills pursuant to G.S. 130A-294 to determine whether the issuance of a permit for a sanitary landfill to be developed or operated by a private individual, corporation, or partnership should be subject to the requirements of G.S. 113A-4 regarding the preparation of an environmental impact statement.

Sec. 12.2. The Environmental Review Commission may report its findings, together with any recommended legislation, to either the 1992 Regular Session of the 1991 General Assembly or to the 1993 General Assembly by filing copies of its report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

PART XIII.—JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE STUDY OF LICENSE TO SELL FISH

(H.B. 1105 - Payne)

Sec. 13.1. In addition to the powers and functions set forth in Article 12F of Chapter 120 of the General Statutes, the Joint Legislative Commission on Seafood and Aquaculture shall study whether the State should require a license to sell fish taken from coastal fishing waters and shall make recommendations to the General Assembly including, but not limited to, requiring licenses, license fees, implementation and collection of fees, and use of proceeds from fees. The Commission shall report its findings and recommendations to the 1992 General Assembly.

PART XIV.—AGRICULTURE, FORESTRY, AND SEAFOOD AWARENESS STUDY COMMISSION

(H.B. 1167 - James)

Sec. 14.1. There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission the sum of \$25,000 for the 1991-92 fiscal

year for the work of the Agriculture, Forestry, and Seafood Awareness Study Commission.

PART XV.—ENVIRONMENTAL REVIEW COMMISSION TO STUDY ENVIRONMENTAL POLICY ACT ISSUES

(H.B. 1227 - Gottovi)

Sec. 15.1. The Environmental Review Commission shall study the following issues concerning Article 1 of Chapter 113A of the General Statutes, the North Carolina Environmental Policy Act of 1971:

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

Sec. 15.2. The Environmental Review Commission may report its findings, recommendations, and any proposed legislation to the 1992 Regular Session of the 1991 General Assembly and, if the Commission determines that more study is needed, to the 1993 General Assembly.

PART XVI.—MOUNTAIN AREA STUDY COMMISSION

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

Sec. 16.1. The Mountain Area Study Commission is created. The Commission shall consist of 15 members: four Senators appointed by the President Pro Tempore of the Senate, four Representatives appointed by the Speaker of the House of Representatives, three members representing local government and the public sector appointed by the President Pro Tempore of the Senate, three members representing local government and the public sector appointed by the Speaker of the House of Representatives, and one member to be chosen by the other 14 members of the Commission.

Sec. 16.2. The President Pro Tempore of the Senate shall designate one Senator as cochairman and the Speaker of the House of Representatives shall designate one Representative as cochairman.

Sec. 16.3. The Commission shall:

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

Sec. 16.4. The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before the first day of the 1993 Session of the General Assembly by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

Sec. 16.5. The Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairmen. The Commission may meet in the Legislative Building or the Legislative Office Building.

Sec. 16.6. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

Sec. 16.7. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative Services

Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Commission.

Sec. 16.8. When a vacancy occurs in the membership of the Commission the vacancy shall be filled by the same appointing officer who, or entity which, made the initial appointment.

Sec. 16.9. All State departments and agencies and local governments and their subdivisions shall furnish the Commission and its staff with any information in their possession or available to them.

Sec. 16.10. There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission to the Commission established by this Part for fiscal year 1991-92 the sum of \$20,000 and for fiscal year 1992-93 the sum of \$20,000.

#### PART XVII.—BIRTH-RELATED NEUROLOGICAL IMPAIRMENT STUDY COMMISSION

Sec. 17.1. The Birth-Related Neurological Impairment Study Commission, created by Part VI of Chapter 1100 of the 1988 Session Laws, continued by Chapter 64 of the 1989 Session Laws, and continued by Chapter 1078 of the 1990 Session Laws is revived and shall continue in existence until the **sine die** adjournment of the 1992 Regular Session of the 1991 General Assembly. The Commission shall report its findings and recommendations to the 1992 Regular Session of the General Assembly.

Sec. 17.2. The continued Birth-Related Neurological Impairment Study Commission shall have the powers and duties of the original Commission to continue the work of the original study and to plan further activity on the subject of assisting all birth-related neurologically impaired victims.

Sec. 17.3. The Birth-Related Neurological Impairment Study Commission shall consist of 15 members who shall be appointed as follows:

- (1) Four members of the House of Representatives, appointed by the Speaker of the House of Representatives;
- (2) Four members of the Senate, appointed by the President Pro Tempore of the Senate;
- (3) One at-large member representing the general public, appointed by the Speaker of the House of Representatives;
- (4) One member of the North Carolina State Bar specializing in the representation of birth-related neurologically impaired victims, appointed by the Speaker of the House of Representatives;
- (5) One physician licensed to practice medicine in North Carolina, appointed by the President Pro Tempore of the Senate;
- (6) A director or operator of a long-term residential care facility for birth-related neurologically impaired victims, appointed by the President Pro Tempore of the Senate;

- (7) The State Health Director;
- (8) The President of the North Carolina Hospital Association or his designee; and
- (9) The Executive Director of the Governor's Advocacy Council for Persons with Disabilities or his designee;

If a vacancy occurs in the membership, the appointing authority shall appoint another person to serve the balance of the unexpired term in the same manner in which the original appointment was made.

Sec. 17.4. Members and staff of the continued Birth-Related Neurological Impairment Study Commission shall receive compensation and expenses as under the original authorization in Chapter 110 of the 1987 Session Laws.

Sec. 17.5. Unexpended funds appropriated to the Birth-Related Neurological Impairment Study Commission by the 1990-91 General Assembly shall remain available and may be expended to fund the continued work of the Commission.

#### PART XVIII.—ENVIRONMENTAL REVIEW COMMISSION TO STUDY PUBLIC LANDFILLS

(S.B. 813 - Perdue)

Sec. 18.1. The Environmental Review Commission shall study the North Carolina Environmental Policy Act of 1971, Article 1 of Chapter 113A of the General Statutes, in relation to the permitting of public landfills under G.S. 130A-294 to determine whether the issuance of a permit for a public landfill should be subject to the requirements of G.S. 113A-4 regarding the preparation of an environmental impact statement. The Commission shall examine the following issues:

- (1) All current State regulatory and administrative requirements pertaining to the siting and operation of solid waste management facilities;
- (2) The adequacy of current State laws authorizing local governments to regulate private solid waste management activities, including control over the flow of the waste stream;
- (3) The potential role of the State in developing markets for recyclable materials and compost produced from solid waste; and
- (4) Other matters may be pertinent to the environmentally sound and economically efficient management of solid waste in North Carolina.

Sec. 18.2. The Environmental Review Commission may request an appropriate committee, commission, or State agency to conduct all or any part of the study authorized by this act and to report its findings and recommendations either to the Environmental Review Commission or directly to the General Assembly. If the committee, commission, or State agency agrees to conduct the study, the committee, commission, or State agency shall do so using funds already appropriated or otherwise available to it.

Sec. 18.3. The Environmental Review Commission may report its findings, recommendations, and any proposed legislation to the 1992 Regular Session of the 1991 General Assembly and, if the Commission determines that more study is needed, to the 1993 General Assembly.

PART XIX.—AGING STUDIES

(S.B. 861 - Perdue)

Sec. 19.1. The North Carolina Study Commission on Aging shall study the need for expanding the membership of the Nursing Home/Rest Home Penalty Review Committee established under G.S. 131D-34. In conducting this study, the Commission shall consider recommending that the membership be expanded by four members, appointed by the General Assembly and representing the following fields of expertise:

- (1) Aging advocacy;
- (2) Community activity in aging and long-term care; and
- (3) Education and research in long-term care.

The Commission shall report its findings and recommendations to the 1992 Regular Session of the 1991 General Assembly.

Sec. 19.2. The North Carolina Study Commission on Aging shall study the concept of "assisted living". For purposes of this study, "assisted living" means a combination of shelter and services for older adults, including maintenance, housekeeping, meals, transportation, 24-hour staffing, and security, but not encompassing "continuing care" as that term is defined and regulated under Article 64 of Chapter 58 of the General Statutes. The Commission's study of assisted living may include:

- (1) The extent and form of providing assisted living in North Carolina;
- (2) Whether assisted living should be licensed as a separate category of care; and
- (3) Whether assisted living services for which a fee is charged should be regulated, and the extent of any regulation.

In conducting its study of assisted living, the Commission shall request the input of the Department of Human Resources, Division of Aging, and Division of Facilities Services. The Commission shall report its findings and recommendations on the study conducted under this section to the 1993 General Assembly, upon its convening.

PART XX.—APPROPRIATION FOR STUDIES

Sec. 20.1. There is appropriated from the General Fund to the General Assembly's Legislative Services Commission the sum of \$300,000 for the 1991-92 fiscal year to fund the studies, except as otherwise provided, authorized, or directed by this act.

PART XXI.—EFFECTIVE DATE

Sec. 21.1. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives