

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 555
Committee Substitute Favorable 6/12/91

Short Title: Employment Discrimination Study.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO CREATE AN INDEPENDENT STUDY COMMISSION TO STUDY
2 THE DIRECTION STATE LAW SHOULD TAKE IN DEALING WITH
3 DISCRIMINATION IN EMPLOYMENT BASED ON RACE, COLOR,
4 RELIGION, SEX, NATIONAL ORIGIN, AGE, OR DISABILITY.
5

6 Whereas, it is the policy of the State of North Carolina, as stated in G.S. 143-
7 422.2, to "protect and safeguard the right and opportunity of all persons to seek, obtain
8 and hold employment without discrimination and abridgement on account of race,
9 religion, color, national origin, age, sex or handicap by employers which regularly
10 employ 15 or more employees"; and

11 Whereas, the Human Relations Commission in the Department of
12 Administration is now empowered to receive certain discrimination charges under
13 federal law from the U.S. Equal Employment Opportunity Commission and to
14 investigate and conciliate those charges; and

15 Whereas, it has been proposed that the General Assembly enact for the State
16 the contents of the Civil Rights Act of 1964 as amended, the Age Discrimination in
17 Employment Act of 1967 as amended, and the Americans With Disabilities Act of
18 1990, and empower the Human Relations Commission to enforce those acts through an
19 arrangement with the Equal Employment Opportunity Commission, as is done in some
20 other states; and

21 Whereas, the question has arisen whether such an arrangement would limit
22 the remedies available to plaintiffs in the developing body of antidiscrimination
23 precedents under the common law in North Carolina; Now, therefore,

1 The General Assembly of North Carolina enacts:

2 Section 1. There is established the North Carolina Commission on
3 Employment Discrimination Law (hereinafter "the Study Commission").

4 Sec. 2. The Study Commission shall be composed of 14 members: seven to
5 be appointed by the Speaker of the House of Representatives and seven to be appointed
6 by the President Pro Tempore of the Senate. Appointments to the Study Commission
7 shall be made within 30 days subsequent to the adjournment of the General Assembly in
8 1991. The Speaker of the House and the President Pro Tempore of the Senate shall each
9 designate a cochair from among their appointees. Either cochair may call the first
10 meeting of the Study Commission. Vacancies shall be filled in the same manner as the
11 original appointments were made.

12 Sec. 3. The Study Commission may study the desirability of various
13 alternative approaches that might be taken in State law to deal with discrimination in
14 employment, including but not limited to enacting the contents of federal
15 antidiscrimination legislation and empowering the Human Relations Commission to
16 enforce those provisions.

17 Sec. 4. At the request of the Study Commission, the Legislative Services
18 Commission may assign professional and clerical staff to assist in the work of the Study
19 Commission. The Study Commission may also employ any professional and clerical
20 staff it deems necessary to the performance of its duties. With the approval of the
21 Legislative Services Commission, the Study Commission may meet in the State
22 Legislative Building or the Legislative Office Building.

23 Sec. 5. Members of the Study Commission who are members of the General
24 Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1.
25 Members who are State officers or employees shall receive subsistence and travel
26 allowances as provided by G.S. 138-6. All other members shall receive per diem,
27 subsistence, and travel allowances as provided by G.S. 138-5.

28 Sec. 6. The Study Commission may report its findings, together with any
29 recommended legislation, to the 1992 Session of the 1991 General Assembly, to the
30 1993 General Assembly, or to both.

31 Sec. 7. Of the funds appropriated to the General Assembly there is allocated
32 the sum of \$50,000 for the 1991-92 fiscal year and the sum of \$50,000 for the 1992-93
33 fiscal year to fund the work of the Study Commission created by this act.

34 Sec. 8. This act is effective upon ratification.