



## Letters to the Editor

### Grantseeking Guide

I just wanted to drop you a note and tell you what a great job you did on the North Carolina guide to foundations. I think it is about the most complete statewide guide I have seen, and I hope other publishers of such guides learn from it.

*Carol A. Hooper  
Council on Foundations  
Washington, D.C.*

Having spent a good part of the last two weeks being drawn back with great frequency to *Grantseeking in North Carolina*, I feel I must write to congratulate and thank you! It is the most useable book of its kind that I have run across in almost 25 years of fundraising in several areas of the U.S. From information and format to type style and layout, you have given N.C. fundraisers and fundgivers an extraordinarily helpful tool. We are all very much in your debt.

*Peggy Brown  
Director of Development  
N.C. Nature Conservancy  
Chapel Hill*

There is neither time nor inclination to "review" your latest publication, *Grantseeking in North Carolina*, but I am compelled to enter a word of congratulations to Anita Gunn Shirley and her many cohorts on a job well done and appreciation to the Center for undertaking such a project.

I have been anticipating the arrival of the volume, and in an action which I cannot explain to myself I read it cover-to-cover in one sitting last night. Only a hustler of the worst sort would do such a thing. The scope of the project as much as the details on the individual foundations is to be complimented. The narratives, for and aft, are well conceived and about as well stated as one will find in any of the advice-giving literature

in the field. I applaud the decision to print the material in a uniform manner throughout for ease in making quick references.

Some unsettling thoughts, however, do arise from reading the material, and these ought to be the subject for others to consider. Those foundations that do their business well in North Carolina do it very well, but there are many whose grounds for public sanction could be debated. A goodly amount of capital that could serve the general weal is sheltered in inactive and unresponsive foundations. These sour ruminations arise from my reflections on material objectively presented in your publication.

Please convey to your staff and board thanks from one reaper in the field.

*Samuel M. Stone  
Director of Development  
N.C. School of the Arts  
Winston-Salem*

### Boards, Commissions, and Councils Report

House Bill 476, effective July 1, reorganizes the N.C. Marine Science Council, creates the Office of Marine Affairs (OMA) and statutorily places OMA in the Department of Administration. In addition, the act affects two bodies of particular interest to you. It abolishes the N.C. Marine Resources Center Administrative Board and gives OMA the authority to administer the OCS Task Force.

I am sure you and the staff of the Center are pleased that your work on boards and commissions is starting to get results. Our bill is just a small part of the overall effort, but it was your recommendation to abolish the Administrative Board that spurred our initiative to do just that in H.B. 476.

*Donna D. Moffitt  
Marine Policy and Legal Specialist  
N.C. Department of Administration  
Raleigh*

## Vol. 6, No. 2-3 Handicapped Persons

I have just had an opportunity to read the Center's study entitled *Boards, Commissions, and Councils*. I thought this city-state of the District of Columbia had a problem of proliferating boards and commissions with 140 of them on which citizen members serve. However, North Carolina's 320 boards make us look like beginners, especially since our list includes some, such as licensure boards, which you excluded from your study. Somehow it is always reassuring to know that others may be worse off than we are!

I wish to commend you and your associates on a splendid job of work. If a similar study were done in the District, my reaction to specific recommendations might be similar to Ms. Patterson's. [Jane Patterson is the former Secretary of Administration. The Center reprinted the reactions to its recommendations by all major executive officials like Secretary Patterson.] But most of your general conclusions are applicable to citizen participation in government wherever it occurs.

*Betty King  
Special Assistant to the Mayor  
for Boards and Commissions  
Washington, D.C.*

## Vol. 7, No. 3 Insurance

Thank you so much for giving our Chamber permission to reprint Vol. 7, No. 3 of *North Carolina Insight*. We used parts of this issue to discuss insurance regulatory policy with our Guilford County Delegation to the N.C. General Assembly recently.

Much attention has been given High Point's Territorial Surcharge on auto liability. Hopefully the study will result in reduced rates for High Pointers.

The Center's *North Carolina Insight* was very helpful in our understanding of N.C. insurance industry and how it operates. We appreciate this timely study by N.C. Center for Public Policy Research, Inc.

*James P. Armstrong, Jr.  
Manager, Government Affairs  
High Point Chamber of Commerce*

I would like to express my appreciation for the dedicated interest that the North Carolina Center for Public Policy Research has shown in advancing the cause of civil rights for persons with disabilities.

The timely publication of the October 1983 issue of *North Carolina Insight* provided a clear, comprehensive, and objective assessment of the state of the art regarding public policy and civil rights for handicapped persons. I cannot begin to calculate the value of having the Center for Public Policy Research focus on this area of need. Your findings dramatically underscored our appeal to the legislature to strengthen the laws protecting handicapped people and contributed significantly to the ultimate success of Senate Bill 272 or "An Act to Protect Handicapped Persons."

"An Act to Protect Handicapped Persons" is the most significant piece of social legislation regarding disabled persons adopted by the legislature in the past decade. Some observers have characterized the Act as the best piece of social legislation considered by the 1985 session of the General Assembly. You and the Center staff are to be commended for your contributions to the process.

*Peyton Maynard  
Governor's Advocacy Council  
for Persons with Disabilities  
Raleigh*

## Center Report on Administrative Procedure Act

Thanks for the copy of the Center's report on the APA. The survey findings were excellent background, and I generally agreed with most of the recommendations in the report. I am less afraid of the idea of creating a separate office to handle contested cases and appeals than the authors of the report seem to be. From my experience, albeit limited, I have found that it is hard to convince citizens who are in a dispute with an agency that the agency itself can fairly act as the rulemaker, prosecutor and adjudicator all in one. I do agree with your recommendation that hearing officers should have both legal and

program experience, but this should not be impossible even with a separate office for hearings and appeals.

On a more general level, I think we need to add a seventh principle—to the six listed in the report—against which to measure the APA. The additional principle is fidelity to legislative intent as expressed in enabling legislation and substantive statutes. If we are concerned at all about separation of powers, then I think we must acknowledge this additional principle. In the concern over intrusion of the legislature into executive functions, we should not lose sight of the fact that administrative rulemaking is itself a departure from the constitutional principle that laws and rules are made by legislatures. Although administrative rulemaking may be necessary and appropriate, the only guaranty of its propriety is the extent to which it adheres to the basic intent of enabling legislation.

Of course, we have a severe practical problem in North Carolina because we lack any real sources for legislative history, in the form of published committee reports, records of debates, etc. This tends to cut both ways. On the one hand it makes it more difficult for courts and administrative agencies to carry out the intent of the legislature in cases where the words of a statute are

intentionally or unintentionally ambiguous or vague. The risk of erroneous interpretation is thus increased. At the same time, however, it makes the need for interpretation by the courts and administrative agencies correspondingly greater, since there is little guidance in the legislative materials to guide the day-to-day application of the statute. The real need may be for more legislative history, more published studies, more printed reports, and so forth.

If I had to err, I would probably err on the side of a more narrow scope for administrative rulemaking, based on my preference for legislative rulemaking as a constitutional principle. We long ago passed the point at the national level where we could dispense with administrative rulemaking. The need for guidelines and directions to supplement broad enabling statutes is simply beyond the physical ability of Congress to produce. I do not know whether we are at the same point at the state level. If we are not and until we are I would prefer to keep as much rulemaking in the hands of the legislature as is possible.

Thanks for a thought-provoking study.

*Daniel G. Clodfelter, Attorney  
Charlotte*

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problems and save valuable time with  
this comprehensive and practical source book*

## **GRANTSEEKING IN NORTH CAROLINA**

*A Guide to Foundation  
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North Carolina Center for  
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*Anita Gunn Shirley, Author*

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