

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

3

HOUSE BILL 898
Committee Substitute Favorable 7/27/95
Committee Substitute #2 Favorable 7/28/95

Short Title: 1995 Studies.

(Public)

Sponsors:

Referred to:

April 12, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
2 COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMISSIONS, TO
3 DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES
4 AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO INCREASE
5 THE MEMBERSHIP OF THE JOINT LEGISLATIVE UTILITY REVIEW
6 COMMITTEE.
7

8 The General Assembly of North Carolina enacts:

9
10 PART I.—TITLE

11 Section 1. This act shall be known as "The Studies Act of 1995".
12

13 PART II.—LEGISLATIVE RESEARCH COMMISSION

14 Sec. 2.1. The Legislative Research Commission may study the topics listed
15 below. When applicable, the 1995 bill or resolution that originally proposed the issue or
16 study and the name of the sponsor is listed. The Commission may consider the original
17 bill or resolution in determining the nature, scope, and aspects of the study. The topics
18 are:

- 1
- 2 (1) Atlantic States Marine Fisheries Compact withdrawal (H.B. 948 -
- 3 Preston)
- 4 (1a) Agriculture Waste (S.B. 695 - Albertson)
- 5 (2) Election laws reform (H.B. 922 - Cansler; H.B. 858 - Miner)
- 6 (3) Cemetery Commission (H.B. 132 - Hill)
- 7 (4) Chiropractic care (S.J.R. 228 - Odom, Soles)
- 8 (5) Cigarette pricing below cost (S.B. 759 - Speed)
- 9 (6) Consumer Protection (S.B. 59 - Jordan; H.B. 196 - Thompson)
- 10 (7) Day care providers records checks (S.B. 165 - Odom; S.B. 371 - Lucas;
- 11 H.B. 259 - Hunter, H.; H.B. 403 - Shubert)
- 12 (8) Domiciliary care and nursing homes (H.B. 685, H.B. 745 - Clary)
- 13 (9) Education issues:
- 14 a. Education improvement (State grants and loans for community
- 15 college tuition and fees (H.B. 42 - Warner)
- 16 b. School building disposition (S.B. 60 - Jordan, Edwards; H.B. 78 -
- 17 Wainwright)
- 18 c. School funding (S.B. 1088 - Winner, Plexico)
- 19 d. Model plans for school buildings (H.B. 1041 - Owens)
- 20 e. Ability grouping and tracking of students (S.B. 1004 - Martin,
- 21 W.; H.B. 1051 - Cunningham)
- 22 f. Teacher tenure, performance evaluation, and incentives (H.B.
- 23 210 - Arnold)
- 24 g. Choice in education (Shubert, Linney, Miller, K., Wood),
- 25 including tuition tax credits (H.B. 954 - Wood)
- 26 (10) Emergency medical services (S.J.R. 1045 - Speed)
- 27 (11) Energy conservation (S.J.R. 461 - Edwards; H.J.R. 275 - Brawley)
- 28 (12) Firefighter classification and benefits (Cummings - H.B. 786)
- 29 (13) Grandparent visitation rights (H.J.R. 872 - Mitchell)
- 30 (14) Insurance and insurance-related issues:
- 31 a. Coastal insurance availability and affordability (S.J.R. 881 -
- 32 Soles, Parnell)
- 33 b. Long-term care insurance (S.B. 102 - Parnell; H.B. 98 -
- 34 Edwards)
- 35 c. Statewide flexible benefits program and third-party administrator
- 36 contracts (Executive Order 66)
- 37 (15) Juvenile Code (S.J.R. 381 - Cooper, Allran; H.J.R. 251 - Hensley,
- 38 Rogers, Russell)
- 39 (16) Legislative ethics (H.J.R. 980 - Gamble)
- 40 (17) Lien laws (S.B. 434 - Hartsell)
- 41 (18) Local government structure, revenue, and powers:
- 42 a. Local government revenue options (H.J.R. 883 - Arnold)

- 1 b. Local government services and regional planning (S.B. 1048 -
2 McDaniel)
- 3 c. Local government structure, powers and finance (H.J.R. 977 -
4 House Local and Regional Government Committee II)
- 5 d. Fiscal relations of State and local governments (S.B. 1070 -
6 Perdue)
- 7 e. Partnerships for quality growth (S.B. 435, S.B. 446 - Sherron)
- 8 f. Planned community regulation (H.B. 757 - Lemmond)
- 9 (19) Occupational and professional regulation:
 - 10 a. Forester licensing (Weatherly)
 - 11 b. Monument contracting (H.B. 847 - Mercer)
 - 12 c. Qualified environmental professionals (H.B. 880 - Wood)
 - 13 d. Well and pump contracting (H.B. 814 - Gardner)
 - 14 e. Psychology Practice Act (H.B. 452 - Lemmond)
- 15 (20) O'Neal-Rockwood connector (H.B. 1042 - Allred)
- 16 (21) Plastics recycling (H.B. 1066 - Luebke)
- 17 (22) Public health (S.B. 231 - Cooper), including vaccination costs and
18 administration (S.B. 1044 - Speed)
- 19 (23) Revenue and tax issues:
 - 20 a. Revenue laws (H.B. 246 - Gamble)
 - 21 b. Interstate Tax Agreements (S.J.R. 122 - Webster)
 - 22 c. Tax expenditures (H.J.R. 95 - Gamble, Luebke)
- 23 (24) State purchasing and Correction Enterprises (S.B. 420 - Kerr,
24 Sherron; H.B. 302 - Warner)
- 25 (25) Water and wetlands issues:
 - 26 a. Water issues (S.B. 95 - Albertson; H.B. 46 - Ives)
 - 27 b. Drinking water tests (H.B. 930 - Allred)
 - 28 c. Wetlands regulation, restoration and mitigation (H.B. 886 -
29 Nichols)
- 30 (26) Welfare reform (S.B. 48 - Allran; H.B. 5 - Berry)
- 31 (27) Workers' compensation (S.J.R. 996 - Kerr) and workers'
32 compensation insurance premium taxes

33 Sec. 2.2. Executive Budget Act Revision (Morgan, Holmes, Gray).

34 The Legislative Research Commission may study the Executive Budget Act
35 and the budget process. The study may consider this State's and other states' laws and
36 policies on the budget process and any other matters it considers necessary in order to
37 recommend a complete revision of the Executive Budget Act and its policies. A study of
38 these revisions shall specifically address the constitutional requirement of separation of
39 powers as it relates to proposing, enacting, and executing a State budget and as it relates
40 to the gubernatorial veto.

41 Sec. 2.3. Medicaid and Medical Cost Containment (Morgan, Holmes, Gray).

42 The Legislative Research Commission may study Medicaid and medical cost
43 containment in order to develop a medical cost containment policy that ensures that

1 appropriate public medical care is delivered in a cost-effective manner. The study may
2 examine federal Medicaid laws and regulations, federal and state medical cost
3 containment initiatives, medical cost containment initiatives in North Carolina, including
4 recommendations from the Government Performance Audit Committee to the 1993
5 General Assembly, and related matters.

6 Sec. 2.4. Criminal Laws and Procedures; Sentencing (Neely).

7 The Legislative Research Commission may study criminal laws and
8 procedures, including criminal offenses, criminal penalties, criminal process and
9 procedure, sentencing, and related matters.

10 Sec. 2.5. Property Issues.

11 The Legislative Research Commission may study property issues, including
12 the following:

- 13 a. Property rights (H.B. 597 - Nichols)
- 14 b. Extraterritorial jurisdiction representation (H.J.R. 73 - Ellis)
- 15 c. Annexation laws (H.B. 660 - Pulley; H.B. 539 - Sherrill)
- 16 d. Condemnation by government entities, including the
17 condemnation process, fair market value for property, payment
18 of condemnees' attorneys' fees and court costs, and related
19 matters (Allred).

20 Sec. 2.6. ABC Laws (Grady).

21 The Legislative Research Commission may study ABC laws and related issues.

22 Sec. 2.7. State Personnel Issues (Morgan).

23 The Legislative Research Commission may study State personnel issues,
24 including needed revisions to the State Personnel Act.

25 Sec. 2.8. Downtown Revitalization (Brawley).

26 The Legislative Research Commission may study downtown revitalization,
27 including (i) the application, uniformity, and effect of the State and local building codes
28 on renovation of older buildings in downtown areas, (ii) income tax exclusions for gains
29 from appreciation of downtown property, and (iii) income tax credits for job creation in
30 downtown areas and for property tax increases resulting from downtown improvements.

31 Sec. 2.9. Federal Retirees (Grady, Morgan, Gray).

32 The Legislative Research Commission may study the issue of federal retirees'
33 claims against the State for income tax paid on their retirement benefits for tax years
34 1985 through 1988, including ways to compensate these federal retirees for taxes paid.

35 Sec. 2.10. Cape Fear River Basin (Shaw).

36 The Legislative Research Commission may study the uses of the Cape Fear
37 River Basin, including increased economic development, the use of hydroelectric power,
38 recreational uses, and improving water quality for citizens of southeastern North
39 Carolina.

40 Sec. 2.11. Financial Institutions.

41 The Legislative Research Commission may study issues concerning financial
42 institutions, including the following:

- 43 a. Regulatory consolidation (H.B. 839 - Tallent).

1 b. Impact of national changes in the banking industry on the State
2 and its banking consumers, including, but not limited to,
3 interstate branching and banking, state and federal regulatory
4 coordination, long-range planning to prepare for changes in the
5 financial services industry, commercial versus investment
6 banking, and consumer disclosure by banks selling securities
7 (Wilson, C.).

8 Sec. 2.12. Nonprofit Organizations (McMahan).

9 The Legislative Research Commission may study the facilitation of greater
10 cooperation between the public and nonprofit sectors and the fostering of growth of the
11 nonprofit sector, including, but not limited to, a review of government funding of
12 nonprofits through State agencies, allowing local governments to take measures to
13 encourage philanthropy within their communities, taxation of business inventory donated
14 to nonprofit organizations, and the feasibility of privatization of services and programs
15 through nonprofit organizations.

16 Sec. 2.13. Committee Membership. For each Legislative Research
17 Commission committee created during the 1995-96 biennium, the cochairs of the
18 Commission shall appoint the committee membership.

19 Sec. 2.14. Reporting Dates. For each of the topics the Legislative Research
20 Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the
21 Commission may report its findings, together with any recommended legislation, to the
22 1996 Regular Session of the 1995 General Assembly or the 1997 General Assembly, or
23 both.

24 Sec. 2.15. Bills and Resolution References. The listing of the original bill or
25 resolution in this Part is for reference purposes only and shall not be deemed to have
26 incorporated by reference any of the substantive provisions contained in the original bill
27 or resolution.

28 Sec. 2.16. Funding. From the funds available to the General Assembly, the
29 Legislative Services Commission may allocate additional monies to fund the work of the
30 Legislative Research Commission.

31
32 **PART III.—STATE GOVERNMENT REORGANIZATION AND PRIVATIZATION**
33 **(Morgan, Daughtry)**

34 Sec. 3.1. (a) The State Government Reorganization and Privatization Study
35 Commission is created. The Commission shall consist of the following 12 members:

36 (1) Four Senators and two members from the private sector appointed by
37 the President Pro Tempore of the Senate.

38 (2) Four members of the House of Representatives and two members from
39 the private sector appointed by the Speaker of the House of
40 Representatives.

41 (b) In order to provide for a public-private partnership in examining State
42 government reorganization and privatization, the President Pro Tempore of the Senate
43 shall designate one Senator and one member of the private sector as cochairs and the

1 Speaker of the House of Representatives shall designate one Representative and one
2 member of the private sector as cochairs. When a vacancy occurs in the membership of
3 the Commission the vacancy shall be filled by the same appointing officer who made the
4 initial appointment. Private sector appointees shall not be registered as lobbyists under
5 Article 9A of Chapter 120 of the General Statutes.

6 Sec. 3.2. The Commission may study the following issues:

- 7 (1) Government reorganization, restructuring, and downsizing.
- 8 (2) State aid to private entities, including, but not limited to, the
9 Biotechnology Center and MCNC.
- 10 (3) Private auxiliary entities connected with State programs, including,
11 but not limited to, the North Carolina Zoological Society.
- 12 (4) Privatization of State services and programs, including, but not
13 limited to, the North Carolina Zoological Park, the North Carolina
14 Aquariums, and the State Ports.
- 15 (5) Outsourcing of State information resource development, operation,
16 and maintenance.
- 17 (6) State expenditures for legal services.
- 18 (7) Outside counsel for the State (S.J.R. 948 - Cochrane).
- 19 (8) Boards and commissions consolidation and abolition (H.B. 677 -
20 Sherrill).
- 21 (9) Other related issues.

22 Sec. 3.3. The Commission shall submit a final report of its findings and
23 recommendations to the 1997 General Assembly by filing the report with the President
24 Pro Tempore of the Senate and the Speaker of the House of Representatives on or before
25 January 15, 1997. The Commission may also submit an interim report of its findings and
26 recommendations to the 1996 Regular Session of the 1995 General Assembly by filing
27 the report with the President Pro Tempore of the Senate and the Speaker of the House of
28 Representatives on or before May 15, 1996. Upon filing its final report to the 1997
29 General Assembly, the Commission shall terminate.

30 Sec. 3.4. The Commission, while in the discharge of official duties, may
31 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-
32 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call
33 of the cochairs. With the approval of the Legislative Services Commission, the
34 Commission may meet in the Legislative Building or the Legislative Office Building.

35 Sec. 3.5. Members of the Commission shall receive per diem, subsistence and
36 travel expenses at the rates authorized by law.

37 Sec. 3.6. The Commission may contract for professional, clerical, or
38 consultant services as provided by G.S. 120-32.02. The Legislative Services
39 Commission, through the Legislative Administrative Officer, shall assign professional
40 staff to assist in the work of the Commission. The House of Representatives' and the
41 Senate's Supervisor of Clerks shall assign clerical staff to the Commission, upon the
42 direction of the Legislative Services Commission. The expenses relating to clerical
43 employees shall be borne by the Commission.

1 Sec. 3.7. Upon request by the Commission or its staff, a State department or
2 agency, a local government, or a subdivision of either shall furnish the Commission with
3 any information in its possession or available to it.
4

5 PART IV.—MENTAL HEALTH STUDY COMMISSION REAUTHORIZATION
6 (S.B. 249 - Conder; H.B. 282 - Alexander)

7 Sec. 4.1. The Mental Health Study Commission, established and structured by
8 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185,
9 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws;
10 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter 268,
11 1983 Session Laws; Chapter 792, 1985 Session Laws; Chapter 873, 1987 Session Laws;
12 Chapter 802, 1989 Session Laws; Chapter 754, 1991 Session Laws; and Chapter 771,
13 1993 Session Laws, Regular Session 1994, is reestablished and authorized to continue in
14 existence until July 1, 1997.

15 Sec. 4.2. (a) The Commission shall consist of 25 members as follows:

- 16 (1) The Secretary of the Department of Human Resources or a delegate,
17 serving ex officio as a nonvoting member.
- 18 (2) Eight members appointed by the Speaker of the House of
19 Representatives, seven of whom shall be members of the House of
20 Representatives at the time of their appointment. One of these seven
21 shall be a Chair of the House Appropriations Subcommittee on
22 Human Resources, and one shall be a Chair of a standing House
23 committee that deals with mental health, developmental disabilities,
24 and substance abuse issues.
- 25 (3) Eight members appointed by the President Pro Tempore of the Senate,
26 seven of whom shall be members of the Senate at the time of their
27 appointment. One of these seven shall be Chair of the Senate Human
28 Resources Appropriations Committee and one shall be Chair of a
29 standing Senate committee that deals with mental health,
30 developmental disabilities, and substance abuse issues.
- 31 (4) Eight members appointed by the Governor, two of whom shall be
32 county commissioners at the time of their appointment, selected from
33 a list of four candidates nominated by the North Carolina Association
34 of County Commissioners. If the Association has failed to make
35 nominations by September 1, 1995, the Governor may appoint any
36 two county commissioners.

37 (b) Members and staff of the continued Mental Health Study Commission shall
38 receive compensation and expenses delineated by the original authorization in the 1973
39 General Assembly Resolution 80. Expenses of the Commission shall be expended by the
40 Department of Human Resources from Budget Code 14460 subhead 1110.

41 Sec. 4.3. The continued Mental Health Study Commission has all the powers
42 and duties of the original Commission as they are necessary to continue the original
43 study, to assist in the implementation of the original and succeeding Commission

1 recommendations, and to plan future activity on the subject of the study. In addition to
2 other studies authorized by law, the Commission shall perform the following activities:

- 3 (1) Conduct research and develop recommendations regarding the
4 response of the public system to the changing health care
5 environment. These recommendations shall address issues of
6 governance, accountability, data collection, and collaboration between
7 public and private sectors.
- 8 (2) Analyze and develop recommendations regarding the current system
9 of funding services to evaluate maximum use of funds.
- 10 (3) Oversee the Mental Health Study Commission 10-year Disability
11 Plans that have been endorsed by the General Assembly.
- 12 (4) Evaluate quality improvement initiatives and develop
13 recommendations regarding accountability, performance standards,
14 and client outcomes.
- 15 (5) Monitor and evaluate the new initiatives, including crisis services,
16 Carolina Alternatives, and domiciliary care, developed by the
17 Division of Mental Health, Developmental Disabilities, and Substance
18 Abuse Services, and consider whether to recommend their possible
19 expansion.
- 20 (6) Review major initiatives for children for integration with the Child
21 Mental Health Plan.
- 22 (7) Develop a business initiative to increase public/private partnerships to
23 enhance current services for those individuals with mental illness,
24 developmental disabilities, and substance abuse problems.
- 25 (8) Carry out any other evaluations the Commission considers necessary
26 to perform its mandate.

27 Sec. 4.4. The Mental Health Study Commission shall make a final report to
28 the 1997 General Assembly, including any legislative proposals, by March 15, 1997, and
29 may make an interim report, including any legislative proposals, to the 1996 Regular
30 Session of the 1995 General Assembly on or before May 15, 1996.

31
32 **PART V.—JOINT LEGISLATIVE FISCAL TRENDS AND REFORM COMMISSION**
33 **(H.B. 854 - Wilkins)**

34 Sec. 5.1. The Joint Legislative Fiscal Trends and Reform Commission is
35 established. The Commission shall identify trends affecting the fiscal resources of the
36 State and its local governments. It shall also review the expenditures of the State and
37 identify trends that will impact upon these expenditures.

38 Sec. 5.2. The Commission shall consist of 12 members to be appointed as
39 follows:

- 40 (1) Four members of the Senate appointed by the President Pro Tempore of
41 the Senate, one of whom shall be designated cochair.
- 42 (2) Two public members appointed by the President Pro Tempore of the
43 Senate.

- 1 (3) Four members of the House of Representatives appointed by the
2 Speaker of the House of Representatives, one of whom shall be
3 designated cochair.
- 4 (4) Two public members appointed by the Speaker of the House of
5 Representatives.
- 6 Sec. 5.3. The Commission shall have the following powers and duties:
- 7 (1) To review long-term fiscal trends and to analyze the impact of these
8 trends on the State budget.
- 9 (2) To identify the factors that have contributed to the financial problems of
10 the State and recommend measures to avoid a recurrence of those
11 problems to the extent they are within the control of the State of North
12 Carolina.
- 13 (3) To monitor the State budget reform measures.
- 14 (4) To analyze options to address the effect on the State budget of federal
15 legislative and judicial mandates.
- 16 (5) To review the condition of programs directed at ensuring an adequate
17 workforce for the State's future.
- 18 (6) To analyze options to address future General Fund budget shortfalls.
- 19 (7) To study the feasibility of modifying the State's accounting practices to
20 improve the State's balance sheet by treating as accrued (i) sales tax
21 proceeds that have been collected on behalf of the State by merchants
22 but have not yet been remitted and (ii) other tax proceeds that have been
23 collected on behalf of the State but have not yet been remitted.
- 24 (8) To review the State's needs for changes in the revenue and budget
25 structure to meet the needs of the State over the long term.
- 26 (9) To make a comprehensive review of the State and local tax system,
27 particularly in light of future economic trends that may affect revenues
28 generated by existing taxes.
- 29 (10) To recommend proposals to enhance the State's revenue position, adapt
30 the State tax structure to changes in the economy, avoid placing undue
31 tax burdens on any segment of the population, and preserve the positive
32 impact of the tax structure on the economic future of the State.
- 33 (11) To examine in detail the trends affecting local revenue sources,
34 including intergovernmental revenue and local expenditure demands.
- 35 (12) To examine State and local expenditures and tax relief for economic
36 development and economic incentives.
- 37 (13) To review the fiscal relationship between the State and its local
38 governments by examining State and local government revenue sources
39 and the allocation of responsibility between the State and its local
40 governments for financing and performing government services. In its
41 work pursuant to this subdivision, the Commission shall examine:

- 1 a. Whether local government tax sharing and local government tax
- 2 reimbursements should be financed by appropriation or by
- 3 earmarking.
- 4 b. Whether the State should provide local governments with
- 5 additional revenue options.
- 6 c. Whether a more adequate and dependable means of financing
- 7 State and local government services should be devised.
- 8 d. Whether State and local responsibilities for providing
- 9 government services should be reallocated.
- 10 e. How the fiscal relationship between the State and local
- 11 governments, particularly the lack of uniform tax rates that
- 12 results from local option taxes, affects economic development.
- 13 f. The effectiveness of the Local Government Fiscal Information
- 14 Act, Article 6D of Chapter 120 of the General Statutes.
- 15 g. How the timing of the State's budget process affects the ability of
- 16 local governments to comply with the deadlines imposed in the
- 17 Local Government Budget and Fiscal Control Act.

18 (14) To exercise all the powers provided under the provisions of G.S. 120-19
19 through G.S. 120-19.4.

20 Sec. 5.4. The Commission shall submit a final report of its findings and
21 recommendations to the 1997 General Assembly by filing the report with the President
22 Pro Tempore of the Senate and the Speaker of the House of Representatives on or before
23 January 15, 1997. The Commission may also submit an interim report of its findings and
24 recommendations to the 1996 Regular Session of the 1995 General Assembly by filing
25 the report with the President Pro Tempore of the Senate and the Speaker of the House of
26 Representatives on or before May 15, 1996. Upon filing its final report to the 1997
27 General Assembly, the Commission shall terminate.

28 Sec. 5.5. Members of the Commission shall serve without pay but shall
29 receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5, 138-
30 6, or 120-3.1, as appropriate. With the approval of the Legislative Services Commission,
31 the Commission may meet in the State Legislative Building or the Legislative Office
32 Building.

33 Sec. 5.6. Upon approval of the Legislative Services Commission, the
34 Commission may use professional and clerical staff of the General Assembly. The
35 expenses of employment of the clerical staff shall be borne by the Commission. Upon
36 approval of the Legislative Services Commission, the Commission may contract for
37 consultant services as provided by G.S. 120-32.02.

38
39 PART VI.—TORT REFORM STUDY COMMISSION (Tort Reform - Daughtry;
40 Government Tort Immunity - S.B. 117, Winner; H.B. 187 - Culpepper, Culp, and Nye)

41 Sec. 6.1. The General Assembly finds that the issue of tort reform has
42 generated much interest. Some of the components of reform are exceedingly complex

1 and the impact of changes in the law on business and consumers needs to be carefully
2 weighed.

3 Sec. 6.2. (a) The Tort Reform Study Commission is created. The Commission
4 shall consist of 14 members:

5 (1) Seven Senators appointed by the President Pro Tempore of the Senate;
6 and

7 (2) Seven members of the House of Representatives appointed by the
8 Speaker of the House of Representatives.

9 (b) The President Pro Tempore of the Senate shall designate one Senator as
10 cochair and the Speaker of the House of Representatives shall designate one
11 Representative as cochair. When a vacancy occurs in the membership of the Commission
12 the vacancy shall be filled by the same appointing officer who made the initial
13 appointment.

14 Sec. 6.3. The Commission shall study the issues involved in tort reform which
15 were introduced in the 1995 Regular Session of the General Assembly but not enacted.
16 The Commission shall also study issues concerning tort liability and immunity of
17 government officials and employees.

18 Sec. 6.4. The Commission shall submit a final report of its findings and
19 recommendations to the 1995 Regular Session of the General Assembly at least 10 days
20 before it reconvenes in 1996 by filing the report with the President Pro Tempore of the
21 Senate and the Speaker of the House of Representatives. Bills recommended by the
22 Commission may be considered by the 1995 Regular Session of the General Assembly in
23 1996. Upon filing its final report, the Commission shall terminate.

24 Sec. 6.5. The Commission, while in the discharge of official duties, may
25 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-
26 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call
27 of the cochairs. The Commission may meet in the Legislative Building or the Legislative
28 Office Building.

29 Sec. 6.6. Members of the Commission shall receive per diem, subsistence and
30 travel expenses at the rates authorized by law.

31 Sec. 6.7. The Commission may contract for professional, clerical, or
32 consultant services as provided by G.S. 120-32.02. The Legislative Services
33 Commission, through the Legislative Administrative Officer, shall assign professional
34 staff to assist in the work of the Commission. The House of Representatives' and the
35 Senate's Supervisor of Clerks shall assign clerical staff to the Commission, upon the
36 direction of the Legislative Services Commission. The expenses relating to clerical
37 employees shall be borne by the Commission.

38 Sec. 6.8. Upon request by the Commission or its staff, a State department or
39 agency, a local government, or a subdivision of either shall furnish the Commission with
40 any information in its possession or available to them.

41
42 PART VII.—JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE

43 Subpart A. Natural Gas Pipeline Extension (S.B. 570 - Soles; H.B. 684 - McComas)

1
2 Sec. 7.1. The Joint Legislative Utility Review Committee is directed to study
3 whether or not the extension of interstate natural gas pipelines into North Carolina can
4 and should be encouraged by amending Chapter 62 of the General Statutes to provide that
5 facilities selling electric power and thermal energy generated with natural gas from that
6 pipeline should be exempted from regulation as public utilities. The Committee shall
7 also study whether any other provisions of Chapter 62 of the General Statutes should be
8 amended to encourage the construction of new interstate pipelines in North Carolina.

9 Sec. 7.2. The Joint Legislative Utility Review Committee shall report its
10 findings and any recommendations under this subpart for legislation to the 1996 Regular
11 Session of the 1995 General Assembly.

12
13 Subpart B. Utility Energy Cost (H.B. 931 - Allred)

14
15 Sec. 7.3. The Joint Legislative Utility Review Committee is authorized to
16 study the issues related to calculating avoided costs for small power producers and may
17 recommend any needed changes to the General Assembly.

18 Sec. 7.4. The Committee is authorized to report any findings and
19 recommendations under this subpart to the 1997 General Assembly and may make an
20 interim report, including any recommended legislation, to the 1996 Regular Session of
21 the 1995 General Assembly.

22
23 Subpart C. Expansion of Joint Legislative Utility Review Committee Membership

24
25 Sec. 7.5. G.S. 120-70.2, as amended by Section 1 of Chapter 440 of the 1995
26 Session Laws, reads as rewritten:

27 **"§ 120-70.2. Appointment of members and organization.**

28 The Joint Committee shall consist of ~~six~~ten sitting members of the General
29 Assembly. ~~Three~~Five shall be appointed by the President Pro Tempore of the Senate
30 from the membership of the Senate and ~~three~~five shall be appointed by the Speaker of the
31 House of Representatives from the membership of the House. Members will serve at the
32 pleasure of their appointing officer and any vacancies occurring on the Joint Committee
33 shall be filled by the appointing officer of the appropriate house. The President Pro
34 Tempore of the Senate shall designate one Senator to serve as cochairman and the
35 Speaker of the House of Representatives shall designate one Representative to serve as
36 cochairman. A quorum shall consist of ~~four~~six members."

37
38 PART VIII.—ALLOCATION OF FUNDS FOR STUDIES

39 Sec. 8.1. In addition to other available funds, the Legislative Services
40 Commission may allocate funds, from funds appropriated to the General Assembly, to
41 conduct the studies authorized by this act, except for the study authorized under Part IV.

42
43 PART IX.—EFFECTIVE DATE

1 Sec. 9.1. This act is effective upon ratification.