

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

**H**

**2**

**HOUSE BILL 898**  
**Committee Substitute Favorable 7/27/95**

Short Title: 1995 Studies.

(Public)

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Sponsors:

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Referred to:

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April 12, 1995

**A BILL TO BE ENTITLED**

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

The General Assembly of North Carolina enacts:

**PART I.—TITLE**

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

**PART II.—LEGISLATIVE RESEARCH COMMISSION**

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

- 1 (1) Atlantic States Marine Fisheries Compact withdrawal (H.B. 948 -  
2 Preston)
- 3 (2) Election laws reform (H.B. 922 - Cansler; H.B. 858 - Miner)
- 4 (3) Cemetery Commission (H.B. 132 - Hill)
- 5 (4) Chiropractic care (S.J.R. 228 - Odom, Soles)
- 6 (5) Cigarette pricing below cost (S.B. 759 - Speed)
- 7 (6) Consumer Protection (S.B. 59 - Jordan; H.B. 196 - Thompson)
- 8 (7) Day care providers records checks (S.B. 165 - Odom; S.B. 371 - Lucas;  
9 H.B. 259 - Hunter, H.; H.B. 403 - Shubert)
- 10 (8) Domiciliary care and nursing homes (H.B. 685, H.B. 745 - Clary)
- 11 (9) Education issues:
  - 12 a. Education improvement (State grants and loans for community  
13 college tuition and fees (H.B. 42 - Warner)
  - 14 b. School building disposition (S.B. 60 - Jordan, Edwards; H.B. 78 -  
15 Wainwright)
  - 16 c. School funding (S.B. 1088 - Winner, Plexico)
  - 17 d. Model plans for school buildings (H.B. 1041 - Owens)
  - 18 e. Ability grouping and tracking of students (S.B. 1004 - Martin,  
19 W.; H.B. 1051 - Cunningham)
  - 20 f. Teacher tenure, performance evaluation, and incentives (H.B.  
21 210 - Arnold)
  - 22 g. Choice in education (Shubert, Linney, Miller, K., Wood),  
23 including tuition tax credits (H.B. 954 - Wood)
- 24 (10) Emergency medical services (S.J.R. 1045 - Speed)
- 25 (11) Energy conservation (S.J.R. 461 - Edwards; H.J.R. 275 - Brawley)
- 26 (12) Firefighter classification and benefits (Cummings - HB 786)
- 27 (13) Grandparent visitation rights (H.J.R. 872 - Mitchell)
- 28 (14) Insurance and insurance-related issues:
  - 29 a. Coastal insurance availability and affordability (S.J.R. 881 -  
30 Soles, Parnell)
  - 31 b. Long-term care insurance (S.B. 102 - Parnell; H.B. 98 -  
32 Edwards)
  - 33 c. Statewide flexible benefits program and third-party administrator  
34 contracts (Executive Order 66)
- 35 (15) Juvenile Code (S.J.R. 381 - Cooper, Allran; H.J.R. 251 - Hensley,  
36 Rogers, Russell)
- 37 (16) Legislative ethics (H.J.R. 980 - Gamble)
- 38 (17) Lien laws (S.B. 434 - Hartsell)
- 39 (18) Local government structure, revenue, and powers:
  - 40 a. Local government revenue options (H.J.R. 883 - Arnold)
  - 41 b. Local government services and regional planning (S.B. 1048 -  
42 McDaniel)

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

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

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

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

39 The Legislative Research Commission may study Medicaid and medical cost  
40 containment in order to develop a medical cost containment policy that ensures that  
41 appropriate public medical care is delivered in a cost-effective manner. The study may  
42 examine federal Medicaid laws and regulations, federal and state medical cost  
43 containment initiatives, medical cost containment initiatives in North Carolina, including

1 recommendations from the Government Performance Audit Committee to the 1993  
2 General Assembly, and related matters.

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

4 The Legislative Research Commission may study criminal laws and  
5 procedures, including criminal offenses, criminal penalties, criminal process and  
6 procedure, sentencing, and related matters.

7 Sec. 2.5. Property Issues.

8 The Legislative Research Commission may study property issues, including  
9 the following:

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

17 Sec. 2.6. ABC Laws (Grady).

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

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

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

22 Sec. 2.8. Downtown Revitalization (Brawley).

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

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

29 The Legislative Research Commission may study the issue of federal retirees'  
30 claims against the State for income tax paid on their retirement benefits for tax years  
31 1985 through 1988, including ways to compensate these federal retirees for taxes paid.

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

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

37 Sec. 2.11. Financial Institutions.

38 The Legislative Research Commission may study issues concerning financial  
39 institutions, including the following:

- 40 a. Regulatory consolidation (H.B. 839 - Tallent).
- 41 b. Impact of national changes in the banking industry on the State  
42 and its banking consumers, including, but not limited to,  
43 interstate branching and banking, state and federal regulatory

1 coordination, long-range planning to prepare for changes in the  
2 financial services industry, commercial versus investment  
3 banking, and consumer disclosure by banks selling securities  
4 (Wilson, C.).

5 Sec. 2.12. Nonprofit Organizations (McMahan).

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

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

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

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

25 Sec. 2.16. Funding. From the funds available to the General Assembly, the  
26 Legislative Services Commission may allocate additional monies to fund the work of the  
27 Legislative Research Commission.

28  
29 PART III.—STATE GOVERNMENT REORGANIZATION AND PRIVATIZATION  
30 (Morgan, Daughtry)

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

- 33 (1) Four Senators and two members from the private sector appointed by  
34 the President Pro Tempore of the Senate.  
35 (2) Four members of the House of Representatives and two members from  
36 the private sector appointed by the Speaker of the House of  
37 Representatives.

38 (b) In order to provide for a public-private partnership in examining State  
39 government reorganization and privatization, the President Pro Tempore of the Senate  
40 shall designate one Senator and one member of the private sector as cochairs and the  
41 Speaker of the House of Representatives shall designate one Representative and one  
42 member of the private sector as cochairs. When a vacancy occurs in the membership of  
43 the Commission the vacancy shall be filled by the same appointing officer who made the

1 initial appointment. Private sector appointees shall not be registered as lobbyists under  
2 Article 9A of Chapter 120 of the General Statutes.

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

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

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

27 Sec. 3.4. The Commission, while in the discharge of official duties, may  
28 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-  
29 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call  
30 of the cochairs. With the approval of the Legislative Services Commission, the  
31 Commission may meet in the Legislative Building or the Legislative Office Building.

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

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

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

1  
2 PART IV.—MENTAL HEALTH STUDY COMMISSION REAUTHORIZATION  
3 (S.B. 249 - Conder; H.B. 282 - Alexander)

4 Sec. 4.1. The Mental Health Study Commission, established and structured by  
5 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185,  
6 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws;  
7 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter 268,  
8 1983 Session Laws; Chapter 792, 1985 Session Laws; Chapter 873, 1987 Session Laws;  
9 Chapter 802, 1989 Session Laws; Chapter 754, 1991 Session Laws; and Chapter 771,  
10 1993 Session Laws, Regular Session 1994, is reestablished and authorized to continue in  
11 existence until July 1, 1997.

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

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

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

38 Sec. 4.3. The continued Mental Health Study Commission has all the powers  
39 and duties of the original Commission as they are necessary to continue the original  
40 study, to assist in the implementation of the original and succeeding Commission  
41 recommendations, and to plan future activity on the subject of the study. In addition to  
42 other studies authorized by law, the Commission shall perform the following activities:

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

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

29  
30 PART V.—JOINT LEGISLATIVE FISCAL TRENDS AND REFORM COMMISSION  
31 (H.B. 854 - Wilkins)

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

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

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