

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE RESOLUTION DRHR80525-LL-247 (5/8)

Sponsors: Representative Glazier.

Referred to:

1 A HOUSE RESOLUTION ESTABLISHING A HOUSE TASK FORCE TO REVIEW
2 AND RESOLVE THE CONFLICT IN NORTH CAROLINA LAW OVER THE
3 RECOVERY OF COSTS IN A CIVIL CASE.

4 Be it resolved by the House of Representatives:

5 **SECTION 1.** A House of Representatives Task Force on the Recovery of
6 Costs in Civil Cases is established to review and recommend a resolution to the conflict
7 in North Carolina law regarding the recovery of costs in a civil case. Specifically, the
8 Task Force on the Recovery of Costs in Civil Cases shall study the conflict that exists
9 between G.S. 6-20 and G.S. 7A-305, and the appellate cases interpreting those statutes,
10 and recommend revisions to one or both statutes to resolve that conflict.

11 **SECTION 2.** The Speaker of the House of Representatives shall appoint to
12 serve on the Task Force six members of the House of Representatives and three public
13 members: one member of the North Carolina Academy of Trial Lawyers, one member
14 of the North Carolina Association of Defense Attorneys, and one member of the North
15 Carolina Bar Association. The Speaker shall appoint a chair from the Task Force
16 membership.

17 **SECTION 3.** The Task Force shall meet upon the call of its chair. A quorum
18 of the Committee shall be a majority of its members.

19 **SECTION 4.** The Task Force, while in discharge of its official duties, may
20 exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of
21 the General Statutes. The Task Force may contract for professional, clerical, or
22 consultant services as provided by G.S. 120-32.02.

23 **SECTION 5.** Members of the Task Force shall receive per diem,
24 subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5, or 138-6, as
25 appropriate.

26 **SECTION 6.** The expenses of the Task Force, including per diem,
27 subsistence, and travel allowances for Task Force members, and contracts for
28 professional or consultant services shall be paid upon the written approval of the

1 Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35
2 from funds available to the House of Representatives for its operations. Individual
3 expenses of five thousand dollars (\$5,000) or less, including per diem, travel, and
4 subsistence expenses of members of the Task Force and clerical expenses shall be paid
5 upon the authorization of a cochair of the Task Force. Individual expenses in excess of
6 five thousand dollars (\$5,000) shall be paid upon the written approval of the Speaker of
7 the House of Representatives.

8 **SECTION 7.** The Legislative Services Officer should assign professional
9 and clerical staff to assist the Task Force in its work. The Director of Legislative
10 Assistants of the House of Representatives shall assign clerical support staff to the Task
11 Force.

12 **SECTION 8.** The Task Force may meet at various locations around the State
13 to promote greater public participation in its deliberations. The Legislative Services
14 Commission should grant adequate meeting space to the Task Force in the State
15 Legislative Building or the Legislative Office Building.

16 **SECTION 9.** The Task Force shall report the results of its review and its
17 recommended resolution to the conflict to the Speaker of the House of Representatives
18 by December 31, 2006.

19 **SECTION 10.** This resolution is effective upon adoption.