

Relying on Legislative Study Commissions

by Susan M. Presti

Legislative study commissions play a pivotal role in the making of North Carolina policy. Meeting primarily between sessions of the General Assembly, they provide the legislature — a body of part-time lawmakers without full-time personal staffs — with an effective mechanism to study numerous issues in depth. Since the General Assembly meets for an average of only seven months every two years, extensive and dispassionate studies can rarely be completed during a legislative session. Study commissions provide the time for careful deliberation upon which legislation is often based.

The primary goal of a study commission is to assess an issue fully and to make recommendations to the General Assembly for dealing effectively with that issue. A legislative study commission usually takes one of four forms: 1) a subcommittee of the Legislative Research Commission (LRC); 2) an *ad hoc* independent study commission; 3) a standing committee of the General Assembly extended into the legislative "off-season"; or 4) in rare cases, a state agency.

The legislature assigns most topics either to the LRC or to independent study commissions. In 1973-1974, when the General Assembly experimented with full annual sessions, many standing committees were extended between the sessions, thus reducing the number of interim study commissions. Subsequent legislatures have not been "full-time," and the number of interim study commissions, especially those within the LRC, has increased.

Legislative Research Commission

The LRC, the comprehensive study body of the General Assembly, has a standing mandate to investigate topics assigned to it. The LRC meets only while the legislature is out-of-session.¹ Established in 1965, it receives

a biennial budget, which can be revised during the short session. The speaker of the House and the president *pro tempore* of the Senate serve as co-chairmen of the LRC, each appoints five persons from his respective chamber to serve as members.² A House or Senate resolution can assign topics to the LRC; either LRC chairman can also direct the LRC to study an issue. Resolutions and chairman directives set a report date for the study, which must be completed before the opening of the designated session.

The Commission works primarily through subcommittees, grouped into broad categories such as education, human resources, and public service. The 12-person Commission allocates the LRC budget among its subcommittees; the LRC chairmen appoint the subcommittee members, usually legislators, and select a senator and a representative to co-chair each subcommittee. Subcommittees are staffed with research, legislative drafting, and clerical services by the Legislative Services Office. By law, the LRC subcommittees must be appointed within 15 days after the close of the legislative session.

An LRC member oversees each broad category to ensure that the subcommittees organize themselves, operate within their budgets, and complete their reports on time, and to serve as a liaison between the subcommittees and the full LRC. This provides a line of communication between the LRC leadership and the subcommittees, explains Sen. Charles Vickery (D-Orange), a Commission member. "The supervising member doesn't have any great influence (on the actual conduct of the study), but he does have some," says Vickery.

The subcommittee conducts its work, formulates its recommendations, prepares its draft legislation (if there is any), and submits its report to the LRC through the supervising Commission member. The Commission usually transmits the report unrevised to the General Assembly. "The LRC is a coordinating commission," says Carl Stewart, speaker of the House — and thus co-

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chairman of the LRC — from 1977 to 1980. As Stewart explains the process, the LRC delegates topics to subcommittees, receives subcommittee reports, and transmits them on to the General Assembly; it does not act as an advisory committee since it does not comment on the reports of its subcommittees.

But the LRC is not an apolitical body. By working through the supervising member, the leadership of the LRC can encourage a subcommittee to call certain individuals to testify at the subcommittee's meetings. And the LRC members, some of the most powerful and well-respected persons in the legislature, can act on their own or collectively to help ensure that a particular recommendation will be adopted by the General Assembly.

Independent Study Commissions

Independent legislative study commissions differ from the LRC subcommittees more in form than in function. Each one is created by separate legislation.³ Its membership may be appointed by the LRC chairmen, the governor, the head of a state agency, or anyone so designated by the legislation. Independent study commissions generally have fewer legislators as members than do LRC subcommittees of similar size. The members and staff of independent commissions are often experts in the particular area being studied. For example, the Community College and Technical Institute Planning Commission included a university president, community college officials, businessmen, legislators, and the director of the Institute of Government — appointments made by the governor, the president *pro tempore* of the Senate, and the speaker of the House.

Independent study commissions usually receive larger funding allocations than do LRC subcommittees and often have a longer period of time to conduct a study than does the LRC. The Commission on Prepaid Health Plans had a \$60,000 budget

Governmental Evaluation (Sunset) Commission Chairman Wymene Valand at their October 17 meeting. Rep. Edd Nye (D-Bladen) is at the right.

for the 1979-1980 fiscal year; the Governmental Evaluation (Sunset) Commission, established in 1977, is not scheduled to report to the General Assembly until 1981 and 1983. The reports and recommendations of independent study commissions often receive more publicity than do those of the LRC, making them generally more visible outside the legislature.

The Permanence of Study Commissions

While the independent commissions tend to be more prestigious than the LRC subcommittees, the legislature depends on both. "There's always going to be two kinds of studies, long-term, complicated ones, and smaller scale studies," says Michael Crowell, an attorney at the Institute of Government who has followed the workings of the General Assembly throughout the 1970s. "The legislature needs a way to cope with both of them." If a subject merits the additional time, status, and expertise available through an independent commission or if state political leaders promote a subject strongly, this topic usually goes to an independent commission. Otherwise, observers and participants in the legislative process seem to agree, it will be referred to the LRC. "It is very difficult to get money for an independent study commission unless it is well justified," says Rep. Lura Tally (D-Cumberland), a member of both the LRC and the House Appropriations Committee.

The General Assembly may renew the mandates of both LRC subcommittees and independent study commissions from session to session. The 1979 General Assembly, for example, extended the life of the Sports Arena, Revenue Laws, and Aging subcommittees of the LRC, all of which originated in previous sessions. The Local Government Study Commission, established as an inde-



pendent study commission by the 1967 General Assembly, did not disband until 1973, and the independent Mental Health Study Commission has been operating since 1973.

The General Assembly looks upon the recommendations of its various study commissions with considerable respect. "Definitely a bill that's been researched has a better chance of passing," says Sen. W. Craig Lawing (D-Mecklenburg), co-chairman of the LRC. Stewart agrees: "The fact that it's gone to the LRC and it's been discussed tends to give more weight and credibility to a piece of legislation. Its chances of passage are greatly enhanced."

Over the past 15 years, the LRC has evolved as the "premiere interim legislative study device," says Terrence Sullivan, director of the legislature's General Research Division. The reliance on the study commission concept in general and the LRC in particular will probably remain constant as long as the North Carolina legislature continues as a "citizen," part-time body, and as long as the leadership of the General Assembly feels that the LRC is the most effective forum for considering most study topics. "There's got to be a mechanism for continuity and carry-over and for political reality to express itself," says Sen. Vickery. "The LRC provides that. If the LRC were not in place, something else would be." □

FOOTNOTES

¹ The LRC may meet during a legislative session only to receive the report of the Administrative Rules Review Committee.

² The 1979-1980 LRC members (all Democrats): Senators Henson Barnes, Melvin Daniels, Jr., Carolyn Mathis, R.C. Soles, Jr., and Charles Vickery; and Representatives Chris S. Barker, Jr., John R. Gamble, Jr., H. Parks Helms, John Hunt, and Lura Tally.

³ Because each independent study commission is created by individual legislation, the Appropriations Committee determines the funding allocation for every independent commission. In funding the LRC, the Appropriations Committee allocates an overall budget, but the Commission itself subdivides this total among its subcommittees.

Governmental Evaluation (Sunset) Commission at their October 17 meeting. (L to R): Rep. Richard Grady (D-Wayne); Nancy Chase, a former representative; Jack Fleer, political science professor at Wake Forest University; Commission Chairman Wymene Valand, staff assistant for U.S. Sen. Robert Morgan; Rep. David Bumgardner, Jr. (D-Gaston); Mayor Emanuel Douglas, Southern Pines; and Rep. Edd Nye (D-Bladen).

Legislative Research Commission at Work for 1981

The Legislative Research Commission (LRC) is scheduled to issue 22 reports to the 1981 General Assembly. The following chart identifies the LRC subcommittees reporting to the 1980 and 1981 sessions and summarizes their recommendations, if already issued. It also contains the subcommittee co-chairpersons (a senator and representative in each case), the funding allocations for the 1979-80 and 1980-81 fiscal years, the number of meetings each subcommittee had held as of June 30, 1980, the date each subcommittee is scheduled to issue its report, and the topics discussed at the meetings. The 1980 session authorized two new LRC subcommittees, Costs and Operation Management of Pupil Transportation and Public School Food Service Programs. Neither had met as of June 30.

This chart provides an overview of the work of the Legislative Research Commission. The work completed by the various LRC subcommittees will determine many of the issues which the 1981 session will consider. For more information on the LRC and its subcommittees, or for copies of interim and final study commission reports, contact the Legislative Library, State Legislative Building, Raleigh, N.C. 27611 (919-733-7778).

STUDY SUBJECT	CO-CHAIRPERSONS (Rep./Sen.)	ALLOCATIONS		# MEETINGS (by 6/30/80)	REPORT DUE	TOPICS/RECOMMENDATIONS
		FY79-80	FY80-81			
1. EDUCATION						
a. Public School Dropouts	Greenwood Alford	\$6,000	\$4,500	5	1981	Issued interim report recommending appropriations totalling \$25,848,000 to reduce teacher-pupil ratio and increase Expanded School Day Programs.
b. Public School Facility Needs	Locklear Marvin	\$6,000	—	5	3/1/80	Study completed. Recommended disbursement of state funds in a variety of ways to meet the facility needs of the public schools.
c. School Finance Studies	Fulcher Ward	\$6,000	\$3,500	4	1981	Discussed the salary schedules for school personnel, the constitutionality of the current state method of financing public education, and the impact of local funding on equal educational opportunities statewide.
d. Costs, Operation Management of Pupil Transportation	Seymour Marvin	—	\$6,000	—	1981	Authorized as a new study by 1980 session.
e. Public School Food Service Programs	Brennan Edwards	—	\$6,000	—	1981	Authorized as a new study by 1980 session.
2. ENERGY						
a. Gasohol	James Garrison	\$6,000	—	5	1980	Study completed. Drafted four bills designed to encourage production and distribution of alcohol fuels.
b. Hydroelectric Generation	Jordan Childers	\$6,000	\$1,000	5	1981	1980 interim report recommended: (1) exemptions for small-scale hydroelectric and other renewable energy projects from portions of Utilities Commission regulations; (2) provisions for higher rates of return on investments in renewable energy facilities; and (3) authorization for the Utilities Commission to set long-term rates for the power output sold to public utilities of small-scale hydroelectric facilities.
3. ENVIRONMENT						
a. Waste Disposal	Holt Walker	\$8,000	\$5,000	6	1980/81	In its report to the 1980 legislature, recommended various means for increasing coordination of environmental programs, planning, and research.
b. Sports Arena (originally established in 1975)	Barbee Allsbrook	\$3,300	No additional allocation	1	1981	Considering the need for a sports arena in the state.

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		FY79-80	FY80-81			
4. HUMAN RESOURCES						
a. Aging (originally created in 1977)	Messer Grey	\$9,000	\$3,000	4	1980/81	In its report to the 1980 session, proposed legislation to: (1) make jury service optional for those 65 years or older; (2) grant authority to counties and the Department of Human Resources to contract to third parties; and (3) provide immunity for certain persons regarding food donated to nonprofit organizations.
b. Rights of Adopted Children	Seymour Whichard	\$6,000	\$9,000	6	1980/81	Considering legislation to open adoption records to adoptees and birth parents (with consent from both parties).
c. Wilderness Camp	Brennan Marion	\$3,750 ¹	—	4	1981	Study completed. Recommended that North Carolina continue its participation in the wilderness camping program and that the legislative and executive branches explore the feasibility of establishing other camps.
5. LEGAL MATTERS						
a. Evidence and Comparative Negligence	Becton Barnes	\$9,000	\$8,200	4	1981	Considering what changes for North Carolina practice the Federal Rules of Evidence would make; also considering whether the state should adopt comparative negligence.
b. Products Liability	Tison Jordan	\$4,000 ²	\$2,000	0	1981	Had not yet convened because the effects of the 1979 products liability legislation and information about products liability insurance claims experience (required by 1979 Session Laws Chapter 979) would not be available before June, 1980.
6. LIQUOR LAWS AND LAND REGISTRATION						
a. Liquor Laws and Proof Liter Taxation	Morgan Swain	\$10,000 ²	\$8,500	7	1980/81	Developing a new ABC laws chapter to replace the current Chapter 18A of the General Statutes. Committee has considered the questions of state and local administration, law enforcement and elections.
b. Alien Land Ownership	E. White V. White	\$3,000	\$2,000	2	1981	Discussed the extent of and reasons for N.C. landholdings by aliens and corporations as well as the legal aspects of state restrictions on such foreign investment.
7. MOTOR VEHICLES						
a. Drivers Education School Bus Drivers	N. Smith Mills	\$6,000	No additional allocation	3	1981	Examined the school bus safety program, the school bus drivers' training program, and the drivers' education program.
b. Radar and Devices for Measuring Speed	Morris Edwards	\$3,000	\$2,000	2	1980	Study completed. Recommended legislation to establish minimum standards for radar operators and instructors of such equipment, and legislation to sanction the admissibility of speed-timing evidence in judicial proceedings.

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		FY79-80	FY80-81				
8. PUBLIC PROPERTY							
a. Central Piedmont Park Study	Nash Speed	\$6,000	\$1,500	4	1981		Considered the need for parks and recreational areas in eight Central Piedmont counties.
b. Public Facilities Design	Clarke Duncan	\$6,000	\$3,000	5	1981		Discussed issues concerning the design, construction, and inspection of public facilities, such as bidding practices and the relationship between subcontractors, prime contractors and the state.
9. PUBLIC SERVICE							
a. Rescue Squads Retirement Incentives	Etheridge Noble	\$3,000	\$2,000	1	1981		Discussed the Firemen's Pension Fund as an example for a Rescue Squad Retirement Fund.
b. Alternative Work Schedules	W. Woodard Thomas	\$3,000	\$2,500	1	1981		Discussed the desire for and availability of flexible work hours for state employees.
c. Temporary State Employees' Retirement Coverage	Nye Creech	\$6,000	No additional allocation	1	1981		Examining the number of temporary positions funded by the state and the government's responsibility to temporary employees.
d. Law Enforcement Officers' Salary Continuation Plan	McMillan Harris	\$5,250 ¹	—	5	1980		Study completed. Recommended legislation: (1) to provide a salary continuation plan for specified state employees for permanent and total disability arising from a job-related injury; and (2) to provide two years' salary continuation for specified state law enforcement officers injured in the line of duty.
10. TAXATION							
a. State Revenue Sharing	Bell Schwartz	\$8,000	\$5,500	5	1981		Considering legislation that would distribute some portion of the general revenues to counties and municipalities.
b. Revenue Laws (originally created in 1977)	Lilley Rauch	\$8,000	\$8,000	6	1980/81		Report to the 1980 General Assembly included legislation modifying the sales tax, intangibles tax, individual income tax, property tax, and gasoline tax.
TOTAL		\$140,300	\$83,200				

¹The original allocations for the Wilderness Camp and Law Enforcement Officers' Salary Continuation Plan studies were \$3,000 and \$6,000, respectively. On February 28, 1980 the LRC transferred \$750 from the latter to the former.

²The original allocations for the Products Liability and Liquor Laws and Proof Liter Taxation studies were \$6,000 and \$8,000, respectively. On February 28, 1980 the LRC transferred \$2,000 from the former to the latter.

SOURCES:

Columns 1-4: August 19, 1980 memorandum from the LRC chairpersons to the members of the LRC, the co-chairpersons of the subcommittees, and the counsel to the subcommittees.

Column 5: Committee Progress Report of the LRC to the 1980 General Assembly.

Column 6: LRC Committee Progress Report to the 1980 General Assembly; interim and final subcommittee reports.