

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 59*

Short Title: Consumer Study Commn.

(Public)

Sponsors: Senators Jordan; Dannelly and Edwards.

Referred to: Appropriations.

January 26, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A PERMANENT, INDEPENDENT CONSUMER
3 PROTECTION STUDY COMMISSION.

Whereas, the General Assembly recognizes that the large majority of business done in this State is conducted in a manner that promotes a healthy economic environment and is in the best interest of its citizens; and

Whereas, the General Assembly also recognizes that some business practices have been contrary to the financial well-being of individual citizens, the business community, and the State as a whole; and

Whereas, reasonable regulation of business has been necessary at times to ensure that citizens and the business community are protected from such potentially harmful practices; and

Whereas, because consumer concerns affect citizens throughout the State with respect to many different types of commercial enterprises, consumers should have a centralized, easily accessible method for bringing their concerns to the attention of State officials to determine what, if any, action is necessary to address the concerns; Now, therefore,

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 120 of the General Statues is amended by adding the
6 following new Article to read:

7 **"ARTICLE 23.**

"CONSUMER PROTECTION STUDY COMMISSION.**"§ 120-205. Consumer Protection Study Commission established; purpose; duties.**

(a) There is established the Consumer Protection Study Commission.

(b) The purpose of the Commission is to provide a forum for the general public, including consumers and the business community, and State officials to bring to the attention of the General Assembly problems and practices of a consumer or commercial nature that are or may be harmful to the economic well-being of the State, or actions that may be necessary to enhance the State's economic and social well-being.

(c) The Commission shall study matters brought before it by consumers, the business community, and State officials, as well as matters it may raise on its own initiative, and shall make the recommendations it deems necessary and appropriate for action by the General Assembly.

"§ 120-206. Commission membership, terms, vacancies.

(a) The Commission shall consist of 17 members. The Speaker of the House of Representatives shall appoint seven members, six of whom shall be persons who are members of the House of Representatives at the time of their appointment and one of whom shall be a public member. The President Pro Tempore of the Senate shall appoint seven members, six of whom shall be persons who are members of the Senate at the time of their appointment, and one of whom shall be a public member. The Governor shall appoint two public members, at least one of whom has experience representing the interests of consumers. The Lieutenant Governor shall appoint one public member. All initial appointments shall be made within one calendar month from the effective date of this Article.

(b) Vacancies shall be filled by the official who made the initial appointment using the same criteria as provided by this section.

(c) Legislative members appointed by the Speaker and the President Pro Tempore shall serve two-year terms. Public members initially appointed by the Speaker and the President Pro Tempore shall each serve a three-year term. The members initially appointed by the Governor and the Lieutenant Governor shall each serve a one-year term. Thereafter, the terms of all Commission members shall be for two years.

"§ 120-207. Commission meetings.

The Commission shall have its first meeting not later than 60 days after adjournment of the 1995 General Assembly at the call of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one legislative member of the Commission to serve as cochair. The Commission shall meet upon the call of the cochairs.

"§ 120-208. Commission reimbursement.

The Commission members shall receive no salary as a result of serving on the Commission but shall receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable.

"§ 120-209. Commission authority.

1 The Commission may obtain information and data from all State officers, agents,
2 agencies, and departments, while in discharge of its duties, under G.S. 120-19, as if it
3 were a committee of the General Assembly. The Commission also may call witnesses,
4 compel testimony relevant to any matter properly before the Commission, and subpoena
5 records and documents, provided that any patient record shall have patient identifying
6 information removed. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply
7 to the proceedings of the Commission as if it were a joint committee of the General
8 Assembly. In addition to the other signatures required for the issuance of a subpoena
9 under this section, the subpoena shall also be signed by the cochairs of the Commission.
10 Any cost of providing information to the Commission not covered by G.S. 120-19.3 may
11 be reimbursed by the Commission from funds appropriated to it for its continuing study.

12 **"§ 120-210. Commission reports.**

13 The Commission shall report to the General Assembly, the Governor, and the
14 Lieutenant Governor the results of its study and recommendations. The Commission
15 shall submit its written report not later than 30 days after the convening of each biennial
16 session of the General Assembly.

17 **"§ 120-211. Commission staff; meeting place.**

18 The Commission may contract for clerical and professional staff or for any other
19 services it may require in the course of its ongoing study.

20 The Commission may, with the approval of the Legislative Services Commission,
21 meet in the State Legislative Building or the Legislative Office Building."

22 Sec. 2. There is appropriated from the General Fund to the General Assembly
23 the sum of twenty-five thousand dollars (\$25,000) for the 1995-96 fiscal year and the
24 sum of twenty-five thousand dollars (\$25,000) for the 1996-97 fiscal year to implement
25 this act.

26 Sec. 3. This act becomes effective July 1, 1995.