

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 384*

Short Title: LRC Study Government Tort Claims.

(Public)

Sponsors: Representatives Nesbitt; Haire, Walend, and Barefoot.

Referred to: Rules, Calendar, and Operations of the House.

March 1, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY ISSUES RELATED TO LOCAL GOVERNMENT TORT LIABILITY
4 AND STATE TORT LIABILITY, AND TO APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The Legislative Research Commission may study issues
7 related to local government tort liability and State tort liability. If this study is
8 undertaken, the Commission shall examine the following issues:

- 9 (1) State and local government tort liability.
10 (2) The distinction between governmental and proprietary functions.
11 (3) The feasibility of requiring all local governments to pay tort claims up
12 to a uniform minimum level, and if determined feasible, whether that
13 level should be the same as the State Tort Claims Act.
14 (5) The adoption of a Local Government Tort Claims Act.
15 (6) The duty to defend government employees, whether State or local
16 government employees.
17 (7) Possible methods for funding the State Excess Liability Fund.

18 The Commission may report to the 2002 Regular Session of the 2001 General
19 Assembly or to the 2003 General Assembly on its findings and may make any
20 legislative recommendations it considers appropriate.

21 **SECTION 2.** There is appropriated from the General Fund to the General
22 Assembly the sum of twenty-five thousand dollars (\$25,000) for the 2001-2002 fiscal
23 year to implement this act.

24 **SECTION 3.** This act becomes effective July 1, 2001.