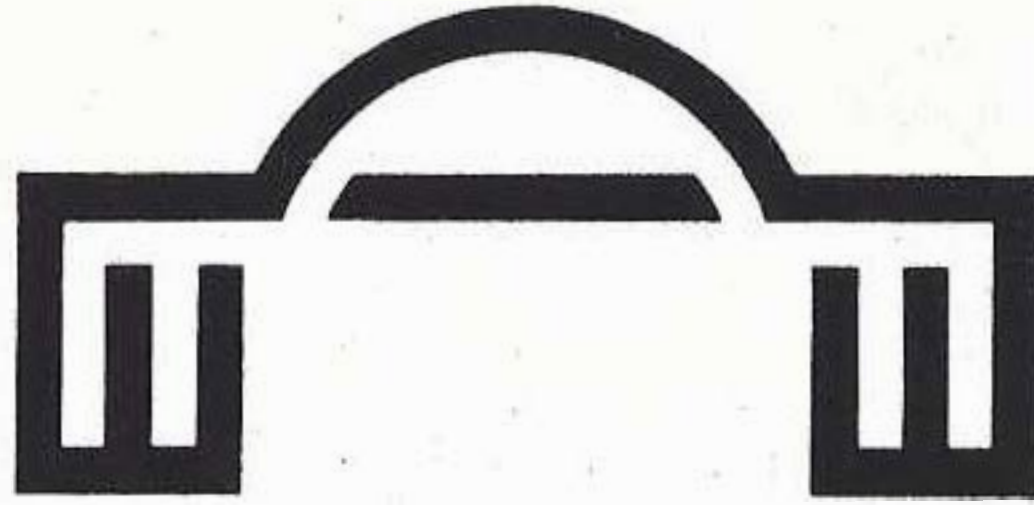




NORTH CAROLINA CENTER FOR
PUBLIC POLICY RESEARCH INC.

NEWS RELEASE

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LEGISLATORS FLEXING NEW MUSCLE WITH EXECUTIVE AND JUDICIARY

The N.C. General Assembly has moved to modernize itself over the last decade with more staff, computers, and a new office building, but that movement is also leading to power struggles with the executive and judicial branches. This is the analysis given in an article published recently in N.C. Insight, the quarterly magazine of the N.C. Center for Public Policy Research.

The article's author, Jack Betts, says the growing power of the legislature is illustrated by the frequency with which the General Assembly has begun to meet. Historically holding only biennial sessions, the legislature began meeting annually in 1973. And, in 1981, the legislators came to Raleigh three times -- for a January-July session, an October 5-10 budget session, and an October 29-30 redistricting session.

The article notes that concurrent with increases in power have come conflicts with the executive and judicial branches. Members of the General Assembly now hold more than 200 positions on boards and commissions in the executive branch. The N.C. Supreme Court recently ruled this practice unconstitutional with regard to the Environmental Management Commission. Governor Hunt has also questioned whether the new Legislative Committee to Review Federal Block Grant Funds invades his constitutional powers to administer the budget.

The article highlights the legislative practice of slipping provisions into the budget bill that amount to amendments to existing laws. Called "special provisions" to the Appropriations Act, these decisions often are unrelated to the budget but contain major policy decisions. The most recent budget bill in October contained 84 such "special provisions," with important amendments to the Certificate of Need health care cost containment act, Medicaid law, and sewage disposal laws included. There was also an attempt to repeal the Coastal Area Management Act within the appropriations provisions.

Betts reports on additional conflicts with the judicial branch as a result of another 1981 legislative act that gave the Governmental Operations Committee prior approval over a reserve fund for judicial personnel. N.C. Superior Court Judge Frank W. Snepp has criticized that action in a recent publication of the N.C. Bar Association.

The article's author, Jack Betts, is Raleigh bureau chief for the Greensboro Daily News. The N.C. Center for Public Policy Research is an independent nonprofit corporation formed to study state government's policies and practices.

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