

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 595

Short Title: Reorganization/Legislative Oversight Comms. (Public)

Sponsors: Representatives Barnhart and Burr (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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

April 5, 2011

A BILL TO BE ENTITLED

AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES  
AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES  
AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING  
THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND  
COMMISSIONS, AND MAKING CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

**PART I. REORGANIZATION AND CONSOLIDATION OF LEGISLATIVE  
OVERSIGHT COMMITTEES**

**LEGISLATIVE SERVICES COMMISSION**

**SECTION 1.1.(a)** G.S. 120-31 reads as rewritten:

**"§ 120-31. Legislative Services Commission organization.**

(a) The Legislative Services Commission shall consist of the President pro tempore of the Senate, ~~Senate~~ or a Senator designated by the President Pro Tempore, ~~seven~~ four Senators appointed by the President pro tempore of the Senate, the Speaker of the House of Representatives, ~~Representatives~~ or a member of the House of Representatives designated by the Speaker, and ~~seven~~ four Representatives appointed by the Speaker of the House of Representatives. The President pro tempore of the Senate, and the Speaker of the House shall serve until the selection and qualification of their respective successors as officers of the General Assembly. The initial appointive members shall be appointed after the date of ratification of this Article and each shall serve for the remainder of his elective term of office and until his successor is appointed or until he ceases to be a member of the General Assembly, whichever occurs first. A vacancy in one of the appointive positions shall be filled in the same manner that the vacated position was originally filled, and the person so appointed shall serve for the remainder of the unexpired term of the person whom he succeeds. In the event the office of Speaker becomes vacated, the ~~seven~~ four Representatives shall elect one of themselves to perform the duties of the Speaker as required by this Article. In the event the office of President pro tempore becomes vacated, the ~~seven~~ four Senators shall elect one of themselves to perform the duties of President pro tempore as required by this Article. Members so elevated shall perform the duties required by this Article until a Speaker or a President pro tempore is duly elected by the appropriate house.

(b) The President pro tempore of the Senate or his designee from the Commission membership shall be the chairman of the Commission in odd-numbered years and the Speaker



1 of the House of Representatives or his designee from the Commission membership shall be  
2 chairman of the Commission in even-numbered years.

3 (c) The Commission may elect from its membership such other officers as it deems  
4 appropriate, and may appoint other members of the General Assembly to serve on any  
5 committee of the Commission.

6 (d) The Commission may adopt rules governing its own organization and proceedings.

7 (e) Members of the Commission, when the General Assembly is not in session, shall be  
8 reimbursed for subsistence and travel allowance as provided for members of the General  
9 Assembly when in session for such days as they are engaged in the performance of their duties.

10 (f) In any case where any provision of law or any rule of the Legislative Services  
11 Commission required approval of any action by the Legislative Services Commission, approval  
12 of that action by the President Pro Tempore of the Senate and by the Speaker of the House of  
13 Representatives constitutes approval of the Commission."

14 **SECTION 1.1.(b)** The terms of the current appointed members of the Legislative  
15 Services Commission terminate when this act becomes law.

## 16 17 **JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS**

18 **SECTION 1.2.(a)** The duties of the following committees and commissions are  
19 transferred to the Joint Legislative Commission on Governmental Operations:

- 20 (1) Joint Legislative Oversight Committee on Capital Improvements.
- 21 (2) Joint Legislative Commission on Future Strategies for North Carolina.
- 22 (3) Joint Select Committee on Low-Level Radioactive Waste.
- 23 (4) Legislative Committee on New Licensing Boards.
- 24 (5) Joint Legislative Commission on Seafood and Aquaculture.
- 25 (6) Joint Legislative Utility Review Commission.

26 **SECTION 1.2.(b)** The following portions of Chapter 120 of the General Statutes  
27 are repealed:

- 28 (1) G.S. 120-70.1 through G.S. 120-70.6, (Article 12A, pertaining to the Joint  
29 Legislative Utility Review Commission).
- 30 (2) G.S. 120-70.31 through G.S. 120-70.37, (Article 12C, pertaining to the Joint  
31 Select Committee on Low-Level Radioactive Waste).
- 32 (3) G.S. 120-70.60 through G.S. 120-70.66, (Article 12F, pertaining to the Joint  
33 Legislative Commission on Seafood and Aquaculture).
- 34 (4) G.S. 120-84.6 through G.S. 120-84.12, (Article 13B, pertaining to the Joint  
35 Legislative Commission on Future Strategies for North Carolina).
- 36 (5) G.S. 120-149.1 through G.S. 120-149.6, (Article 18A, pertaining to the  
37 Legislative Committee on New Licensing Boards).
- 38 (6) G.S. 120-258 through G.S. 120-260, (Article 29, pertaining to the Joint  
39 Legislative Oversight Committee on Capital Improvements).

40 **SECTION 1.2.(c)** G.S. 120-74 reads as rewritten:

### 41 **"§ 120-74. Appointment of members; terms of office.**

42 The Commission shall consist of ~~38-42~~ members. The President pro tempore of the Senate,  
43 the Speaker pro tempore of the House, the Deputy President pro tempore of the Senate, the  
44 Majority Leader of the House of Representatives, and the Majority Leader of the Senate and the  
45 Speaker of the House shall serve as ex officio members of the Commission. The Speaker of the  
46 House of Representatives shall appoint ~~16-21~~ members from the ~~House~~House, at least five of  
47 whom are members of the minority party. The President pro tempore of the Senate shall  
48 appoint ~~16-21~~ members from the ~~Senate~~Senate, at least five of whom are members of the  
49 minority party. Vacancies created by resignation or otherwise shall be filled by the original  
50 appointing authority. Members shall serve two-year terms beginning and ending on January 15  
51 of the odd-numbered years. Members shall not be disqualified from completing a term of

1 service on the Commission because they fail to run or are defeated for reelection. Resignation  
2 or removal from the General Assembly shall constitute resignation or removal from  
3 membership on the Commission."

4 **SECTION 1.2.(d)** G.S. 120-76 reads as rewritten:

5 **"§ 120-76. Powers and duties of the Commission.**

6 The Commission shall have the following powers:

- 7 (1) To conduct program evaluation studies of the various components of State  
8 agency activity as they relate to:
  - 9 a. Service benefits of each program relative to expenditures;
  - 10 b. Achievement of program goals;
  - 11 c. Use of indicators by which the success or failure of a program may  
12 be gauged; and
  - 13 d. Conformity with legislative intent.
- 14 (2) To study legislation which would result in new programs with statewide  
15 implications for feasibility and need. These studies may be jointly conducted  
16 with the Fiscal Research Division of the Legislative Services Commission.
- 17 (3) To study on a continuing basis the implementation of State government  
18 reorganization with respect to:
  - 19 a. Improvements in administrative structure, practices and procedures;
  - 20 b. The relative effectiveness of centralization and decentralization of  
21 management decisions for agency operation;
  - 22 c. Opportunities for effective citizen participation; and
  - 23 d. Broadening of career opportunities for professional staff.
- 24 (4) To make such studies and reports of the operations and functions of State  
25 government as it deems appropriate or upon petition by resolution of either  
26 the Senate or the House of Representatives.
- 27 (5) To produce routine written reports of findings for general legislative and  
28 public distribution. Special attention shall be given to the presentation of  
29 findings to the appropriate committees of the Senate and the House of  
30 Representatives. If findings arrived at during a study have a potential impact  
31 on either the finance or appropriations deliberations, such findings shall  
32 immediately be presented to the committees. Such reports shall contain  
33 recommendations for appropriate executive action and when legislation is  
34 considered necessary to effect change, draft legislation for that purpose may  
35 be included. Such reports as are submitted shall include but not be limited to  
36 the following matters:
  - 37 a. Ways in which the agencies may operate more economically and  
38 efficiently;
  - 39 b. Ways in which agencies can provide better services to the State and  
40 to the people; and
  - 41 c. Areas in which functions of State agencies are duplicative,  
42 overlapping, or failing to accomplish legislative objectives, or for  
43 any other reason should be redefined or redistributed.
- 44 (6) To devise a system, in cooperation with the Fiscal Research Division of the  
45 Legislative Services Commission, whereby all new programs authorized by  
46 the General Assembly incorporate an evaluation component. The results of  
47 such evaluations may be made to the Appropriations Committees at the  
48 beginning of each regular session.
- 49 (7) To evaluate and approve or deny requests from the Department of  
50 Transportation regarding the funding of federally eligible construction  
51 projects as provided in the fourth paragraph of G.S. 136-44.2.

- 1 (8) The Joint Legislative Commission on Governmental Operations shall be  
2 consulted by the Governor before the Governor does any of the following:  
3 a. Repealed by Session Laws 2007-117, s. 2, effective July 1, 2007.  
4 b. Authorizes expenditures in excess of the total requirements of a  
5 purpose or program as enacted by the General Assembly and as  
6 provided by G.S. 143C-6-4.  
7 c. Proceeds to reduce programs subsequent to a reduction of ten percent  
8 (10%) or more in the federal fund level certified to a department and  
9 any subsequent changes in distribution formulas.  
10 d. Takes extraordinary measures under Article III, Section 5(3) of the  
11 Constitution to effect necessary economies in State expenditures  
12 required for balancing the budget due to a revenue shortfall,  
13 including, but not limited to, the following: loans among funds,  
14 personnel freezes or layoffs, capital project reversions, program  
15 eliminations, and use of reserves. However, if the Committee fails to  
16 meet within 10 calendar days of a request by the Governor for its  
17 consultation, the Governor may proceed to take the actions he feels  
18 are appropriate and necessary and shall then report those actions at  
19 the next meeting of the Commission.  
20 e. Approves a new capital improvement project funded from gifts,  
21 grants, receipts, special funds, self-liquidating indebtedness, and  
22 other funds or any combination of funds for the project not  
23 specifically authorized by the General Assembly. The budget for  
24 each capital project must include projected revenues in an amount  
25 not less than projected expenditures.
- 26 (9) To examine, on a continuing basis, capital improvements approved and  
27 undertaken for State facilities and institutions and to have oversight over  
28 implementation of the six-year capital improvements plan developed  
29 pursuant to G.S. 143C-8-5.
- 30 (10) To establish a subcommittee to evaluate the need for any new licensing  
31 board by establishing criteria and procedures for reviewing proposed  
32 licensing boards. To assure that no new licensing board shall be established  
33 unless the following criteria are met:  
34 a. The unregulated practice of the profession or occupation can  
35 substantially harm or endanger the public health, safety, or welfare,  
36 and the potential for such harm is recognizable and not remote or  
37 dependent upon tenuous argument.  
38 b. The profession or occupation possesses qualities that distinguish it  
39 from ordinary labor.  
40 c. Practice of the profession or occupation requires specialized skill or  
41 training.  
42 d. A substantial majority of the public does not have the knowledge or  
43 experience to evaluate whether the practitioner is competent.  
44 e. The public is not effectively protected by other means.  
45 f. Licensure will not have a substantial adverse economic impact upon  
46 consumers of the practitioner's goods or services.
- 47 (11) To evaluate the North Carolina Utilities Commission, by doing the  
48 following:  
49 a. Reviewing the actions of the North Carolina Utilities Commission,  
50 including the review of its interim and final orders, to the end that the  
51 members of the General Assembly may better judge whether these

1            actions serve the best interest of the citizens of North Carolina,  
2            individual and corporate.

3            b. Inquiring into the role of the North Carolina Utilities Commission,  
4            the Public Staff, and the several utility companies in the development  
5            of alternate sources of energy.

6            c. Submitting evaluations to the General Assembly, from time to time,  
7            of the performance of the North Carolina Utilities Commission, the  
8            Public Staff, and the various utilities operating in the State. A  
9            proposed draft of such evaluations shall be submitted to the North  
10           Carolina Utilities Commission, the Public Staff, and the affected  
11           public utilities prior to submission to the General Assembly, and the  
12           affected entity shall be given an opportunity to be heard before the  
13           Commission prior to the completion of the evaluation and its  
14           submission to the General Assembly.

15           (12) To make reports and recommendations to the General Assembly, from time  
16           to time, on matters relating to the powers and duties set out in this section.

17           (13) To review and evaluate changes in federal law and regulations, relevant  
18           court decisions, and changes in technology affecting any of the duties of the  
19           Commission.

20           (14) To review and evaluate changes in federal law and regulation, or changes  
21           brought about by court actions, as well as changes in technology affecting  
22           any of the duties of the Commission, to determine whether the State's laws  
23           require modification as a result of those changes."

24           **SECTION 1.2.(e) G.S. 120-76.1 reads as rewritten:**

25           **"§ 120-76.1. Prior consultation with the ~~Commission~~Commission; reporting**  
26           **requirements.**

27           (a) Consultation by Governor. – Notwithstanding the provisions of G.S. 120-76(8) or  
28           any other provision of law requiring prior consultation by the Governor with the Commission,  
29           whenever an expenditure is required because of an emergency that poses an imminent threat to  
30           public health or public safety, and is either the result of a natural event, such as a hurricane or a  
31           flood, or an accident, such as an explosion or a wreck, the Governor may take action without  
32           consulting the Commission if the action is determined by the Governor to be related to the  
33           emergency. The Governor shall report to the Commission on any expenditures made under this  
34           subsection no later than 30 days after making the expenditure and shall identify in the report the  
35           emergency, the type of action taken, and how it was related to the emergency.

36           (b) Consultation by Agencies, Boards, and Commission. – Any agency, board,  
37           commission, or other entity required under G.S. 120-76(8) or any other provision of law to  
38           consult with the Commission prior to taking an action shall submit a detailed report of the  
39           action under consideration to the Chairs of the Commission, the Commission Assistant, and the  
40           Fiscal Research Division of the General Assembly. If the Commission does not hold a meeting  
41           to hear the consultation within 90 days of receiving the submission of the detailed report, the  
42           consultation requirement is satisfied. With regard to capital improvement projects of The  
43           University of North Carolina, if the Commission does not hold a meeting to hear the  
44           consultation within 30 days of receiving the submission of the detailed report, the consultation  
45           requirement of G.S. 120-76(8)e. is satisfied.

46           (c) Exemptions. – Consultations regarding the establishment of new fees and charges  
47           and the increase of existing fees and charges are governed by G.S. 12-3.1, and this section does  
48           not apply to those consultations."

49  
50           **JOINT REGULATORY REFORM COMMITTEE**

**SECTION 1.3.(a)** The duties of the Joint Legislative Administrative Procedures Oversight Committee are transferred to the Joint Regulatory Reform Committee.

**SECTION 1.3.(b)** Article 12K of Chapter 120 of the General Statutes, G.S. 120-70.100 through G.S. 120-70.102, is repealed.

**SECTION 1.3.(c)** Section 3 of Resolution 2011-2 reads as rewritten:

"**SECTION 3.** Powers. – The Joint Regulatory Reform Committee has the following powers and duties:

- (1) Hold meetings and receive input from the public, regulated community, and agencies regarding outdated, unnecessary, unduly burdensome, or vague rules and rule-making procedures that are an impediment to private sector job creation.
- (2) Evaluate the reform suggestions presented during the public comment process and determine which warrant introduction and consideration during the 2011 Session of the General Assembly in 2011 or 2012.
- (3) Review the rule-making process to determine if the procedures for adopting rules give adequate consideration to the potential impact on job creation.
- (3a) Review rules to which the Rules Review Commission has objected to determine if statutory changes are needed to enable the agency to fulfill the intent of the General Assembly.
- (3b) Receive reports prepared by the Rules Review Commission containing the text and a summary of each rule approved by the Commission.
- (3c) Review the activities of State occupational licensing boards to determine if the boards are operating in accordance with statutory requirements and if the boards are still necessary to achieve the purposes for which they were created. This review shall not include decisions concerning board personnel matters or determinations on individual licensing applications or individual disciplinary actions.
- (3d) Review State regulatory programs to determine if the programs overlap, have conflicting goals, or could be simplified and still achieve the purpose of the regulation.
- (4) Report to the General Assembly concerning any recommendations for statutory changes."

**JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY**

**SECTION 1.4.(a)** The duties of the Joint Legislative Committee on Domestic Violence are transferred to the Joint Legislative Oversight Committee on Justice and Public Safety.

**SECTION 1.4.(b)** Article 30 of Chapter 120 of the General Statutes, G.S. 120-265 through G.S. 120-267, is repealed.

**SECTION 1.4.(c)** Article 12J of Chapter 120 of the General Statutes reads as rewritten:

"Article 12J.

~~"Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee on Justice and Public Safety.

**"§ 120-70.93. Creation and membership of Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee on Justice and Public Safety.**

The Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight~~ Committee on Justice and Public Safety is established. The Committee consists of ~~16-22~~ members as follows:

- 1 (1) ~~Eight–Eleven~~ members of the Senate appointed by the President Pro  
2 Tempore of the Senate, at least ~~two–three~~ of whom are members of the  
3 minority party; and
- 4 (2) ~~Eight–Eleven~~ members of the House of Representatives appointed by the  
5 Speaker of the House of Representatives, at least three of whom are  
6 members of the minority party.

7 Terms on the Committee are for two years and begin on the convening of the General  
8 Assembly in each odd-numbered year, except the terms of the initial members, which begin on  
9 appointment and end on the day of the convening of the 1995 General Assembly. Members  
10 may complete a term of service on the Committee even if they do not seek reelection or are not  
11 reelected to the General Assembly, but resignation or removal from service in the General  
12 Assembly constitutes resignation or removal from service on the Committee.

13 A member continues to serve until his successor is appointed. A vacancy shall be filled  
14 within 30 days by the officer who made the original appointment.

15 **"§ 120-70.94. Purpose and powers of Committee.**

16 (a) The Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight~~  
17 Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional,  
18 law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing  
19 recommendations to the General Assembly on ways to improve those systems and to assist  
20 those systems in realizing their objectives of protecting the public and of punishing and  
21 rehabilitating offenders. In this examination, the Committee shall:

- 22 (1) Study the budget, programs, and policies of the Departments of Correction,  
23 Crime Control and Public Safety, and Juvenile Justice and Delinquency  
24 Prevention to determine ways in which the General Assembly may improve  
25 the effectiveness of those Departments;
- 26 (2) Examine the effectiveness of the Department of Correction in implementing  
27 the public policy stated in G.S. 148-26 of providing work assignments and  
28 employment for inmates as a means of reducing the cost of maintaining the  
29 inmate population while enabling inmates to acquire or retain skills and  
30 work habits needed to secure honest employment after their release;
- 31 (2a) Examine the effectiveness of the Department of Crime Control and Public  
32 Safety in implementing the duties and responsibilities charged to the  
33 Department in G.S. 143B-474 and the overall effectiveness and efficiency of  
34 law enforcement in the State;
- 35 (2b) Examine the effectiveness of the Department of Juvenile Justice and  
36 Delinquency Prevention in implementing the duties and responsibilities  
37 charged to the Department in Article 12 of Chapter 143B of the General  
38 Statutes and the overall effectiveness and efficiency of the juvenile justice  
39 system in the State; ~~and~~
- 40 ~~(3) Study any other matters that the Committee considers necessary.~~
- 41 (3a) Study and evaluate the funding sources and needs of domestic violence  
42 programs providing services to domestic violence victims and programs  
43 providing treatment to domestic violence abusers;
- 44 (4) Study legal services funding for domestic violence victims and explore  
45 additional sources of funding;
- 46 (5) Explore sources of additional funding for all domestic violence programs,  
47 including visitation centers;
- 48 (6) Examine current programs and explore new programs to provide effective  
49 services to domestic violence victims and treatment to domestic violence  
50 abusers;
- 51 (7) Examine law enforcement and judicial responses to domestic violence;

- 1           (8) Review data collected on domestic violence cases pursuant to  
2           G.S. 15A-1382.1;  
3           (9) Study the effectiveness of the Crime Victims Rights Act as it relates to  
4           domestic violence; and  
5           (10) Study any other matter that the Committee considers necessary.

6           (b) The Committee may make interim reports to the General Assembly on matters for  
7 which it may report to a regular session of the General Assembly. A report to the General  
8 Assembly may contain any legislation needed to implement a recommendation of the  
9 Committee.

10 **"§ 120-70.95. Organization of Committee.**

11           (a) The President Pro Tempore of the Senate and the Speaker of the House of  
12 Representatives shall each designate a cochair of the Joint Legislative ~~Corrections, Crime~~  
13 ~~Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee on Justice and Public  
14 Safety. The Committee shall meet at least once a quarter and may meet at other times upon the  
15 joint call of the cochairs.

16           (b) A quorum of the Committee is nine members. No action may be taken except by a  
17 majority vote at a meeting at which a quorum is present. While in the discharge of its official  
18 duties, the Committee has the powers of a joint committee under G.S. 120-19 and  
19 G.S. 120-19.1 through G.S. 120-19.4.

20           (c) Members of the Committee receive subsistence and travel expenses as provided in  
21 G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance  
22 with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services  
23 Officer, shall assign professional staff to assist the Committee in its work. Upon the direction  
24 of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the  
25 House of Representatives shall assign clerical staff to the Committee. The expenses for clerical  
26 employees shall be borne by the Committee."  
27

28 **JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**

29           **SECTION 1.5.(a)** The duties of the Legislative Study Commission on Children  
30 and Youth are transferred to the Joint Legislative Education Oversight Committee.

31           **SECTION 1.5.(b)** Article 24 of Chapter 120 of the General Statutes, G.S. 120-215  
32 through G.S. 120-221, is repealed.

33           **SECTION 1.5.(c)** G.S. 120-70.80 reads as rewritten:

34 **"§ 120-70.80. Creation and membership of Joint Legislative Education Oversight**  
35 **Committee.**

36           The Joint Legislative Education Oversight Committee is established. The Committee  
37 consists of 22 members as follows:

- 38           (1) Eleven members of the Senate appointed by the President Pro Tempore of  
39 the Senate, at least ~~two~~ three of whom are members of the minority party;  
40 and  
41           (2) Eleven members of the House of Representatives appointed by the Speaker  
42 of the House of Representatives, at least three of whom are members of the  
43 minority party.

44           Terms on the Committee are for two years and begin on the convening of the General  
45 Assembly in each odd-numbered year. Members may complete a term of service on the  
46 Committee even if they do not seek reelection or are not reelected to the General Assembly, but  
47 resignation or removal from service in the General Assembly constitutes resignation or removal  
48 from service on the Committee.

49           A member continues to serve until his successor is appointed. A vacancy shall be filled  
50 within 30 days by the officer who made the original appointment."

51           **SECTION 1.5.(d)** G.S. 120-70.81 reads as rewritten:



1 **"§ 120-70.81. Purpose and powers of Committee.**

2 (a) The Joint Legislative Education Oversight Committee shall examine, on a  
3 continuing basis, the several educational institutions in North Carolina, in order to make  
4 ongoing recommendations to the General Assembly on ways to improve public education from  
5 kindergarten through higher education. In this examination, the Committee ~~shall~~may:

6 (1) Study the budgets, programs, and policies of the Department of Public  
7 Instruction, the State Board of Education, the Community Colleges System  
8 Office, the Board of Governors of The University of North Carolina, and the  
9 constituent institutions of The University of North Carolina to determine  
10 ways in which the General Assembly may encourage the improvement of all  
11 education provided to North Carolinians and may aid in the development of  
12 more integrated methods of institutional accountability;

13 (2) Examine, in particular, the Basic Education Plan and the School  
14 Improvement and Accountability Act of 1989, to determine whether changes  
15 need to be built into the plans, whether implementation schedules need to be  
16 restructured, and how to manage the ongoing development of the policies  
17 underlying these legislative plans, including a determination of whether  
18 there is a need for the legislature to develop ongoing funding patterns for  
19 these plans;

20 (3) Study other states' educational initiatives in public schools, community  
21 colleges, and public universities, in order to provide an ongoing commentary  
22 to the General Assembly on these initiatives and to make recommendations  
23 for implementing similar initiatives in North Carolina; and

24 (4) Study any other educational matters that the Committee considers necessary  
25 to fulfill its mandate.

26 (5) Study the needs of children and youth. This study may include, but is not  
27 limited to:

28 a. Determining the adequacy and appropriateness of services:

29 1. To children and youth receiving child welfare services;

30 2. To children and youth in the juvenile court system;

31 3. Provided by the Division of Social Services and the  
32 Department of Juvenile Justice and Delinquency Prevention;

33 4. To children and youth served by the Mental Health,  
34 Developmental Disabilities, and Substance Abuse Services  
35 system.

36 b. Developing methods for identifying and providing services to  
37 children and youth not receiving but in need of child welfare  
38 services, children and youth at risk of entering the juvenile court  
39 system, and children and youth exposed to domestic violence  
40 situations.

41 c. Developing strategies for addressing the issues of school dropout,  
42 teen suicide, and adolescent pregnancy.

43 d. Identifying and evaluating the impact on children and youth of other  
44 economic and environmental issues.

45 e. Identifying obstacles to ensuring that children who are in secure or  
46 nonsecure custody are placed in safe and permanent homes within a  
47 reasonable period of time and recommending strategies for  
48 overcoming those obstacles. The Commission shall consider what, if  
49 anything, can be done to expedite the adjudication and appeal of  
50 abuse and neglect charges against parents so that decisions may be

1 made about the safe and permanent placement of their children as  
2 quickly as possible.

3 (6) Evaluate problems associated with juveniles who are beyond the disciplinary  
4 control of their parents, including juveniles who are runaways, and develop  
5 solutions for addressing the problems of those juveniles.

6 (7) Identify strategies for the development and funding of a comprehensive  
7 statewide database relating to children and youth to facilitate State agency  
8 planning for delivery of services to children and youth.

9 (b) The Committee may make interim reports to the General Assembly on matters for  
10 which it may report to a regular session of the General Assembly. A report to the General  
11 Assembly may contain any legislation needed to implement a recommendation of the  
12 Committee."  
13

#### 14 **JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN** 15 **SERVICES**

16 **SECTION 1.6.(a)** The duties of the following commissions and committees are  
17 transferred to the Joint Legislative Oversight Committee on Health and Human Services,  
18 established by subsection (c) of this section:

- 19 (1) North Carolina Study Commission on Aging.
- 20 (2) Joint Legislative Health Care Oversight Committee.
- 21 (3) Joint Legislative Oversight Committee on Mental Health, Developmental  
22 Disabilities, and Substance Abuse Services.
- 23 (4) Public Health Study Commission.

24 **SECTION 1.6.(b)** The following portions of Chapter 120 of the General Statutes  
25 are repealed:

- 26 (1) G.S. 120-70.110 through G.S. 120-70.112, (Article 12M, pertaining to the  
27 Joint Legislative Health Care Oversight Committee).
- 28 (2) G.S. 120-180 through G.S. 120-188, (Article 21, pertaining to the North  
29 Carolina Study Commission on Aging).
- 30 (3) G.S. 120-195 through G.S. 120-203, (Article 22, pertaining to the Public  
31 Health Study Commission).
- 32 (4) G.S. 120-240 through G.S. 120-244, (Article 27, pertaining to the Joint  
33 Legislative Oversight Committee on Mental Health, Developmental  
34 Disabilities, and Substance Abuse Services).

35 **SECTION 1.6.(c)** Chapter 120 of the General Statutes is amended by adding a new  
36 Article to read:

37 "Article 23A.

38 "Joint Legislative Oversight Committee on Health and Human Services.

#### 39 **§ 120-208. Creation and membership of Joint Legislative Oversight Committee on** 40 **Health and Human Services.**

41 (a) The Joint Legislative Oversight Committee on Health and Human Services is  
42 established. The Committee consists of 22 members as follows:

- 43 (1) Eleven members of the Senate appointed by the President Pro Tempore of  
44 the Senate, at least three of whom are members of the minority party; and
- 45 (2) Eleven members of the House of Representatives appointed by the Speaker  
46 of the House of Representatives, at least three of whom are members of the  
47 minority party.

48 (b) Terms on the Committee are for two years and begin on the convening of the  
49 General Assembly in each odd-numbered year. Members may complete a term of service on  
50 the Committee even if they do not seek reelection or are not reelected to the General Assembly.

1 but resignation or removal from service in the General Assembly constitutes resignation or  
2 removal from service on the Committee.

3 (c) A member continues to serve until a successor is appointed. A vacancy shall be  
4 filled within 30 days by the officer who made the original appointment.

5 **"§ 120-208.1. Purpose and powers of Committee.**

6 (a) The Joint Legislative Oversight Committee on Health and Human Services shall  
7 examine, on a continuing basis, the systemwide issues affecting the development, budgeting,  
8 financing, administration, and delivery of health and human services, including issues relating  
9 to the governance, accountability, and quality of health and human services delivered to  
10 individuals and families in this State. The Committee shall make ongoing recommendations to  
11 the General Assembly on ways to improve the quality and delivery of services and to maintain  
12 a high level of effectiveness and efficiency in system administration at the State and local  
13 levels. In conducting its examination, the Committee shall do all of the following:

14 (1) Study the budgets, programs, and policies of each Division within the  
15 Department of Health and Human Services, to determine ways in which the  
16 General Assembly may encourage improvement in the budgeting and  
17 delivery of health and human services provided to North Carolinians.

18 (2) Examine, in particular, issues relating to services provided by the following  
19 Divisions within the Department of Health and Human Services:

20 a. Aging and Adult Services.

21 b. Medical Assistance.

22 c. Mental Health, Developmental Disabilities, and Substance Abuse  
23 Services.

24 d. Public Health.

25 e. Social Services.

26 (3) Study other states' health and human services initiatives, in order to provide  
27 an ongoing commentary to the General Assembly on these initiatives and to  
28 make recommendations for implementing similar initiatives in North  
29 Carolina; and

30 (4) Study any other health and human services matters that the Committee  
31 considers necessary to fulfill its mandate.

32 (b) The Committee may make interim reports to the General Assembly on matters for  
33 which it may report to a regular session of the General Assembly. A report to the General  
34 Assembly may contain any legislation needed to implement a recommendation of the  
35 Committee.

36 **"§ 120-208.2. Organization of Committee.**

37 (a) The President Pro Tempore of the Senate and the Speaker of the House of  
38 Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on  
39 Health and Human Services. The Committee shall meet at least once per quarter, except while  
40 the General Assembly is in regular session, and may meet at other times upon the joint call of  
41 the cochairs.

42 (b) A quorum of the Committee is 10 members. No action may be taken except by a  
43 majority vote at a meeting at which a quorum is present. While in the discharge of its official  
44 duties, the Committee has the powers of a joint committee under G.S. 120-19 and  
45 G.S. 120-19.1 through G.S. 120-19.4.

46 (c) Members of the Committee receive subsistence and travel expenses as provided in  
47 G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance  
48 with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services  
49 Officer, shall assign professional staff to assist the Committee in its work. Upon the direction  
50 of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the

1 House of Representatives shall assign clerical staff to the Committee. The expenses for clerical  
2 employees shall be borne by the Committee.

3 (d) The Committee cochairs may establish subcommittees for the purpose of examining  
4 issues relating to services provided by particular Divisions within the Department of Health and  
5 Human Services.

6 **"§ 120-208.3. Additional powers.**

7 The Joint Legislative Oversight Committee on Health and Human Services, while in  
8 discharge of official duties, shall have access to any paper or document, and may compel the  
9 attendance of any State official or employee before the Committee or secure any evidence  
10 under G.S. 120-19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the  
11 proceedings of the Committee as if it were a joint committee of the General Assembly.

12 **"§ 120-208.4. Reports to Committee.**

13 Whenever a Division within the Department of Health and Human Services is required by  
14 law to report to the General Assembly or to any of its permanent, study, or oversight  
15 committees or subcommittees on matters affecting that Division, the Department shall transmit  
16 a copy of the report to the cochairs of the Joint Legislative Oversight Committee on Health and  
17 Human Services."

18  
19 **JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE**

20 **SECTION 1.7.(a)** The duties of the Future of the North Carolina Railroad Study  
21 Commission are assigned to the Joint Legislative Transportation Oversight Committee.

22 **SECTION 1.7.(b)** Article 28 of Chapter 120 of the General Statutes, G.S. 120-245  
23 through G.S. 120-255, is repealed.

24 **SECTION 1.7.(c)** G.S. 120-70.50 reads as rewritten:

25 **"§ 120-70.50. Creation and membership of Joint Legislative Transportation Oversight**  
26 **Committee.**

27 The Joint Legislative Transportation Oversight Committee is established. The Committee  
28 consists of ~~18~~22 members as follows:

- 29 (1) ~~Nine~~Eleven members of the Senate appointed by the President Pro Tempore  
30 of the Senate, at least ~~two~~three of whom are members of the minority party;  
31 and  
32 (2) ~~Nine~~Eleven members of the House of Representatives appointed by the  
33 Speaker of the House of Representatives, at least three of whom are  
34 members of the minority party.

35 Terms on the Committee are for two years and begin on January 15 of each odd-numbered  
36 year, except the terms of the initial members, which begin on appointment. Members may  
37 complete a term of service on the Committee even if they do not seek reelection or are not  
38 reelected to the General Assembly, but resignation or removal from service in the General  
39 Assembly constitutes resignation or removal from service on the Committee.

40 A member continues to serve until his successor is appointed. A vacancy shall be filled  
41 within 30 days by the officer who made the original appointment."

42 **SECTION 1.7.(d)** G.S. 120-70.51(a) reads as rewritten:

43 "(a) The Joint Legislative Transportation Oversight Committee may:

- 44 (1) Review reports prepared by the Department of Transportation or any other  
45 agency of State government related, in any manner, to transportation, when  
46 those reports are required by any law.  
47 (2) Monitor the funds deposited in and expenditures from the North Carolina  
48 Highway Trust Fund, the Highway Fund, the General Fund, or any other  
49 fund when those expenditures are related, in any manner, to transportation.  
50 (3) Determine whether funds related, in any manner, to transportation are being  
51 spent in accordance with law.

- 1 (4) Determine whether any revisions are needed in the funding for a program for  
2 which funds in the Trust Fund, the Highway Fund, the General Fund, or any  
3 other fund when those expenditures are related, in any manner, to  
4 transportation may be used, including revisions needed to meet any statutory  
5 timetable or program.
- 6 (4a) Examine the importance of railroads and railroad infrastructure  
7 improvements to economic development in North Carolina, including  
8 improvements to short-line railroads.
- 9 (4b) Study issues important to the future of passenger and freight rail service in  
10 North Carolina.
- 11 (4c) Determine methods to expedite property disputes between railroads and  
12 private landowners.
- 13 (4d) Study all aspects of the operation, structure, management, and long-range  
14 plans of the North Carolina Railroad.
- 15 (5) Report to the General Assembly at the beginning of each regular session  
16 concerning its determinations of needed changes in the funding or operation  
17 of programs related, in any manner, to transportation."  
18

## 19 JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT

20 SECTION 1.8.(a) Part 1 of Article 20 of Chapter 120 of the General Statutes reads  
21 as rewritten:

22 "Article 20.

23 "~~Joint Legislative Commission~~ Committee on Municipal Incorporations-Local Government.

24 "Part 1. Organization.

### 25 "§ 120-157.1. Committee established.

26 (a) The Joint Legislative Committee on Local Government is established. The  
27 Committee shall consist of 14 members, appointed as follows:

- 28 (1) Seven members of the Senate appointed by the President Pro Tempore of the  
29 Senate, at least two of whom shall be members of the minority party. At  
30 least one member shall be a former city or county commissioner, city or  
31 county manager, or other city or county elected official.
- 32 (2) Seven members of the House of Representatives appointed by the Speaker of  
33 the House of Representatives, at least two of whom shall be members of the  
34 minority party. At least one member shall be a former city or county  
35 commissioner, city or county manager, or other city or county elected  
36 official.

37 (b) Terms on the Committee are for two years and begin on the convening of the  
38 General Assembly in each odd-numbered year. Members may complete a term of service on  
39 the Committee even if they do not seek reelection or are not reelected to the General Assembly,  
40 but resignation or removal from service in the General Assembly constitutes resignation or  
41 removal from service on the Committee.

42 (c) A member continues to serve until a successor is appointed. A vacancy shall be  
43 filled within 30 days by the officer who made the original appointment.

### 44 "§ 120-157.2. Purpose and powers of Committee.

45 (a) The Joint Legislative Committee on Local Government shall review and monitor  
46 local government capital projects that are required to go before the Local Government  
47 Commission and require debt to be issued over one million dollars (\$1,000,000), with the  
48 exception of schools, jails, courthouses, and administrative buildings. Any project that fits these  
49 criteria must be reported to the Committee Chairs, Committee Assistant, and the Fiscal  
50 Research Division at least 45 days prior to presentation before the Local Government  
51 Commission.

1       (b) The Committee may make interim reports to the General Assembly on matters for  
2 which it may report to a regular session of the General Assembly. A report to the General  
3 Assembly shall include the purpose, scope, debt requirements, financing methods, and  
4 repayment plans of any local governmental capital project reviewed pursuant to subsection (a)  
5 of this section and may contain any legislation needed to implement a recommendation of the  
6 Committee.

7 **"§ 120-157.3. Organization of Committee.**

8       (a) The President Pro Tempore of the Senate and the Speaker of the House of  
9 Representatives shall each designate a cochair of the Joint Legislative Committee on Local  
10 Government. The Committee may meet on days when the members of the General Assembly  
11 are entitled to subsistence pursuant to G.S. 120-3.1 and may meet at other times upon the joint  
12 call of the cochairs.

13       (b) A quorum of the Committee is eight members. No action may be taken except by a  
14 majority vote at a meeting at which a quorum is present. While in the discharge of its official  
15 duties, the Committee has the power of a joint committee under G.S. 120-19 and G.S. 120-19.1  
16 through G.S. 120-19.4.

17       (c) Members of the Committee may receive subsistence and travel expenses as  
18 provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in  
19 accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative  
20 Services Officer, shall assign professional staff to assist the Committee in its work. Upon the  
21 direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and  
22 of the House of Representatives shall assign clerical staff to the Committee. The expenses for  
23 clerical employees shall be borne by the Committee.

24 **"§ 120-157.4. Additional powers.**

25       The Joint Legislative Committee on Local Government, while in discharge of official  
26 duties, shall have access to any paper or document, and may compel the attendance of any State  
27 official or employee before the Committee or secure any evidence under G.S. 120-19. In  
28 addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Committee  
29 as if it were a joint committee of the General Assembly.

30 **"§ 120-158. ~~Creation of Commission.~~Municipal Incorporations Subcommittee.**

31       ~~(a) There is created the Joint Legislative Commission on Municipal Incorporations,~~  
32 ~~referred to in this Article as "Commission".~~Incorporations Subcommittee of the Joint  
33 Legislative Committee on Local Government.

34       (b) The Commission shall consist of six members, appointed as follows:

- 35       (1) ~~Two~~Three ~~Senators~~ appointed by the President Pro Tempore of the  
36 ~~Senate;~~Senate, at least one of whom shall be a former city or county  
37 commissioner, city or county manager, or other local elected official.
- 38       (2) ~~Two~~Three ~~House members~~ appointed by the ~~Speaker;~~Speaker of the House  
39 of Representatives, at least one of whom shall be a former city or county  
40 commissioner, city or county manager, or other local elected official.
- 41       (3) ~~One city manager or elected city official, appointed by the President Pro~~  
42 ~~Tempore of the Senate from a list of three eligible persons nominated by the~~  
43 ~~North Carolina League of Municipalities; and~~
- 44       (4) ~~One county commissioner or county manager, appointed by the Speaker~~  
45 ~~from a list of three eligible persons nominated by the North Carolina~~  
46 ~~Association of County Commissioners.~~

47 **"§ 120-159. ~~Terms.~~Terms; meetings.**

48       (a) Members shall be appointed for terms ending June 30, 1987, and subsequently for  
49 two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when  
50 appointed may continue for the remainder of the term regardless of the member's continued

1 eligibility for the category. The ~~Commission~~ Municipal Incorporations Subcommittee shall  
2 elect a ~~chairman~~ chair from its membership for a one-year term.

3 (b) The Subcommittee may meet on days when the members of the General Assembly  
4 are entitled to subsistence pursuant to G.S. 120-3.1 and may meet at other times upon the joint  
5 call of the cochairs.

6 **~~"§ 120-160. Compensation.~~**

7 ~~Members of the Commission who are members of the General Assembly shall receive~~  
8 ~~subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers~~  
9 ~~or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All~~  
10 ~~other members shall receive per diem, subsistence, and travel allowances as provided by~~  
11 ~~G.S. 138-5.~~

12 **~~"§ 120-161. Facilities and staff.~~**

13 ~~The Commission may meet in the Legislative Building or the Legislative Office Building.~~  
14 ~~Staff for the Commission shall be provided by the Legislative Services Commission. The~~  
15 ~~Commission may contract with the School of Government at the University of North Carolina~~  
16 ~~at Chapel Hill, the Local Government Commission, the Department of Environment and~~  
17 ~~Natural Resources, or other agencies as may be necessary in completing any required studies,~~  
18 ~~within the funds appropriated to the Commission."~~

19  
20 **JOINT LEGISLATIVE ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE**

21 **SECTION 1.10.(a)** G.S. 120-70.130 reads as rewritten:

22 **"§ 120-70.130. Creation and membership of Joint Legislative Economic Development**  
23 **Oversight Committee.**

24 The Joint Legislative Economic Development Oversight Committee is established. The  
25 Committee consists of ~~12~~ 22 members as follows:

- 26 (1) ~~Six~~ Eleven members of the Senate appointed by the President Pro Tempore  
27 of the ~~Senate~~; Senate, at least three of whom are members of the minority  
28 party; and  
29 (2) ~~Six~~ Eleven members of the House of Representatives appointed by the  
30 Speaker of the House of ~~Representatives~~. Representatives, at least three of  
31 whom are members of the minority party.

32 Terms on the Committee are for two years and begin on the convening of the General  
33 Assembly in each odd-numbered year, except the terms of the initial members, which begin on  
34 appointment and end on the day of the convening of the 2007 General Assembly. Members  
35 may complete a term of service on the Committee even if they do not seek reelection or are not  
36 reelected to the General Assembly, but resignation or removal from service in the General  
37 Assembly constitutes resignation or removal from service on the Committee.

38 A member continues to serve until a successor is appointed. A vacancy shall be filled by the  
39 officer who made the original appointment."

40 **SECTION 1.10.(b)** G.S. 120-70.131 reads as rewritten:

41 **"§ 120-70.131. Purpose and powers of Committee.**

42 (a) The Joint Legislative Economic Development Oversight Committee shall examine,  
43 on a continuing basis, economic growth and development issues and strategies in North  
44 Carolina in order to make ongoing recommendations to the General Assembly on ways to  
45 promote cost-effective economic development initiatives. In this examination, the Committee  
46 may:

- 47 (1) Study the budgets, programs, and policies of the Department of Commerce,  
48 the North Carolina Partnership for Economic Development, and other State,  
49 regional, and local entities involved in economic development.  
50 (2) Analyze legislation from other states regarding economic development.  
51 (3) Analyze proposals produced by the Economic Development Board.

1           (3a) Request the Department of Commerce to provide an annual report by  
2           January 15 of each year on the effectiveness of the following economic  
3           development programs:

4           a.     Job Development Investment Grant Program (JDIG).

5           b.     One North Carolina.

6           c.     Article 3J Credits.

7           d.     Job Maintenance and Capital Development Fund (JMAC).

8           (4) Study any other matters that the Committee considers necessary to fulfill its  
9           mandate.

10          (b) The Committee may make interim reports to the General Assembly on matters for  
11          which it may report to a regular session of the General Assembly. A report to the General  
12          Assembly may contain any legislation needed to implement a recommendation of the  
13          Committee."  
14

## 15 ENVIRONMENTAL REVIEW COMMISSION

16           **SECTION 1.13.** G.S. 120-70.42 reads as rewritten:

17           "**§ 120-70.42. Membership; cochaIRS; vacancies; quorum.**

18           (a) The Environmental Review Commission shall consist of six Senators appointed by  
19           the President Pro Tempore of the Senate, six Representatives appointed by the Speaker of the  
20           House of Representatives, who shall serve at the pleasure of their appointing officer, the Chair  
21           or a Cochair of the Senate Committee on Agriculture, Environment, and Natural Resources or  
22           the equivalent committee, the Chair or a Cochair of the House of Representatives Committee  
23           on Environment and Natural Resources or the equivalent committee, the Chair or a Cochair of  
24           the Senate Committee on Appropriations – Natural and Economic Resources or the equivalent  
25           committee, and the Chair or a Cochair of the House of Representatives Committee on  
26           Appropriations – Natural and Economic Resources or the equivalent committee.

27           (b) The President Pro Tempore of the Senate shall designate one or more Senators and  
28           the Speaker of the House of Representatives shall designate one or more Representatives to  
29           serve as cochaIRS.

30           (c) Except as otherwise provided in this subsection, a member of the Commission shall  
31           continue to serve for so long as the member remains a member of the General Assembly and no  
32           successor has been appointed. A member of the Commission who does not seek reelection or is  
33           not reelected to the General Assembly may complete a term of service on the Commission until  
34           the day on which a new General Assembly convenes. A member of the Commission who  
35           resigns or is removed from service in the General Assembly shall be deemed to have resigned  
36           or been removed from service on the Commission. Any vacancy that occurs on the  
37           Environmental Review Commission shall be filled in the same manner as the original  
38           appointment.

39           (d) A quorum of the Environmental Review Commission shall consist of ~~nine~~-seven  
40           members."  
41

## 42 PART II. CONFORMING CHANGES

43           **SECTION 2.1.** G.S. 7A-346.3 reads as rewritten:

44           "**§ 7A-346.3. Impaired driving integrated data system report.**

45           The information compiled by G.S. 7A-109.2 shall be maintained in an Administrative  
46           Office of the Courts database. By March 1, the Administrative Office of the Courts shall  
47           provide an annual report of the previous calendar year to the Joint Legislative Commission on  
48           Governmental Operations and the Joint Legislative ~~Corrections, Crime Control, and Juvenile~~  
49           ~~Justice Oversight Committee.~~ Oversight Committee on Justice and Public Safety. The annual  
50           report shall show the types of dispositions for the entire State by county, by judge, by  
51           prosecutor, and by defense attorney. This report shall also include the amount of fines, costs,



1 and fees ordered at the disposition of the charge, the amount of any subsequent reduction,  
2 amount collected, and the amount still owed, and compliance with sanctions of community  
3 service, jail, substance abuse assessment, treatment, and education. The Administrative Office  
4 of the Courts shall facilitate public access to the information collected under this section by  
5 posting this information on the court's Internet page in a manner accessible to the public and  
6 shall make reports of any information collected under this section available to the public upon  
7 request and without charge."

8 **SECTION 2.2.** G.S. 7A-409.1(g) reads as rewritten:

9 "(g) The State Judicial Council shall report to the General Assembly and the Chief  
10 Justice no later than December 31, 2009, and no later than December 31 of every third year,  
11 regarding the implementation of S.L. 2006-184 and shall include in its report the statistics  
12 regarding inquiries and any recommendations for changes. The House of Representatives and  
13 the Senate shall refer the report of the State Judicial Council to the Joint Legislative  
14 ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee~~ on Justice and Public  
15 Safety and such other committees as the Speaker of the House of Representatives or the  
16 President Pro Tempore of the Senate shall deem appropriate, for their review."

17 **SECTION 2.3.** G.S. 15A-266.5 reads as rewritten:

18 "**§ 15A-266.5. Tests to be performed on DNA sample.**

19 (a) The tests to be performed on each DNA sample are:

- 20 (1) To analyze and type only the genetic markers that are used for identification  
21 purposes contained in or derived from the DNA.
- 22 (2) For law enforcement identification purposes.
- 23 (3) For research and administrative purposes, including:
  - 24 a. Development of a population database when personal identifying  
25 information is removed.
  - 26 b. To support identification research and protocol development of  
27 forensic DNA analysis methods.
  - 28 c. For quality control purposes.
  - 29 d. To assist in the recovery or identification of human remains from  
30 mass disasters or for other humanitarian purposes, including  
31 identification of missing persons.

32 (b) The DNA record of identification characteristics resulting from the DNA testing  
33 shall be stored and maintained by the SBI in the State DNA Database. The DNA sample itself  
34 will be stored and maintained by the SBI in the State DNA Databank.

35 (c) The SBI shall report annually to the Joint Legislative Commission on Governmental  
36 Operations and to the Joint Legislative ~~Corrections, Crime Control and Juvenile Justice~~  
37 ~~Oversight Committee,~~ Oversight Committee on Justice and Public Safety, on or before February  
38 1, with information for the previous calendar year, which shall include: a summary of the  
39 operations and expenditures relating to the DNA Database and DNA Databank; the number of  
40 DNA records from arrestees entered; the number of DNA records from arrestees that have been  
41 expunged; and the number of DNA arrestee matches or hits that occurred with an unknown  
42 sample, and how many of those have led to an arrest and conviction; and how many letters  
43 notifying defendants that a record and sample have been expunged, along with the number of  
44 days it took to complete the expunction and notification process, from the date of the receipt of  
45 the verification form from the State.

46 (d) The Department of Justice, in consultation with the Administrative Office of the  
47 Courts and the Conference of District Attorneys, shall study, develop, and recommend an  
48 automated procedure to facilitate the process of expunging DNA samples and records taken  
49 pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on  
50 Governmental Operations, the Joint Legislative ~~Corrections, Crime Control and Juvenile~~

1 ~~Justice Oversight Committee, Oversight Committee on Justice and Public Safety,~~ and the  
2 Courts Commission, on or before February 1, 2011."

3 **SECTION 2.4.** G.S. 15A-1475 reads as rewritten:

4 **"§ 15A-1475. Reports.**

5 Beginning January 1, 2008, and annually thereafter, the North Carolina Innocence Inquiry  
6 Commission shall report on its activities to the Joint Legislative ~~Corrections, Crime Control,~~  
7 ~~and Juvenile Justice Oversight Committee~~ on Justice and Public Safety and the State Judicial  
8 Council. The report may contain recommendations of any needed legislative changes related to  
9 the activities of the Commission. The report shall recommend the funding needed by the  
10 Commission, the district attorneys, and the State Bureau of Investigation in order to meet their  
11 responsibilities under S.L. 2006-184. Recommendations concerning the district attorneys or the  
12 State Bureau of Investigation shall only be made after consultations with the North Carolina  
13 Conference of District Attorneys and the Attorney General."

14 **SECTION 2.5.** G.S. 58-42-45 reads as rewritten:

15 **"§ 58-42-45. Article subject to Administrative Procedure Act; legislative oversight of**  
16 **plans.**

17 (a) The provisions of Chapter 150B of the General Statutes shall apply to this Article.

18 (b) At the same time the Commissioner issues a notice of hearing under G.S. 150B-38,  
19 the Commissioner shall provide copies of the notice to the Joint ~~Legislative Administrative~~  
20 ~~Procedure Oversight~~ Regulatory Reform Committee and to the Joint Legislative Commission on  
21 Governmental Operations. The Commissioner shall provide the Committee and Commission  
22 with copies of any plan promulgated by or approved by the Commissioner under  
23 G.S. 58-42-1(1) or (2)."

24 **SECTION 2.6.** G.S. 58-50-95 reads as rewritten:

25 **"§ 58-50-95. Report by Commissioner.**

26 The Commissioner shall report annually to the Joint Legislative ~~Health Care Oversight~~  
27 Committee on Health and Human Services regarding the nature and appropriateness of reviews  
28 conducted under this Part. The report, which shall be provided to the public upon request,  
29 should include the number of reviews, underlying issues in dispute, character of the reviews,  
30 dollar amounts in question, whether the review was decided in favor of the covered person or  
31 the health benefit plan, the cost of review, and any other information relevant to the evaluation  
32 of the effectiveness of this Part."

33 **SECTION 2.7.** G.S. 58-50-180(g) reads as rewritten:

34 "(g) The Executive Director shall make an annual report to the Speaker of the House of  
35 Representatives, the President Pro Tempore of the Senate, the Commissioner, the Joint  
36 Legislative ~~Health Care Oversight Committee,~~ Committee on Health and Human Services, and  
37 the Committee on Employee Hospital and Medical Benefits. The report shall summarize the  
38 activities of the Pool in the preceding calendar year, including the net written and earned  
39 premiums, benefit plan enrollment, the expense of administration, and the paid and incurred  
40 losses."

41 **SECTION 2.8.** G.S. 62-15(a) reads as rewritten:

42 "(a) There is established in the Commission the office of executive director, whose  
43 salary and longevity pay shall be the same as that fixed for members of the Commission.  
44 "Service" for purposes of longevity pay means service as executive director of the public staff.  
45 The executive director shall be appointed by the Governor subject to confirmation by the  
46 General Assembly by joint resolution. The name of the executive director appointed by the  
47 Governor shall be submitted to the General Assembly on or before May 1 of the year in which  
48 the term of his office begins. The term of office for the executive director shall be six years,  
49 and the initial term shall begin July 1, 1977. The executive director may be removed from  
50 office by the Governor in the event of his incapacity to serve; and the executive director shall  
51 be removed from office by the Governor upon the affirmative recommendation of a majority of

1 the Commission, after consultation with the Joint Legislative ~~Utility Review~~  
2 ~~Committee~~Commission on Governmental Operations of the General Assembly. In case of a  
3 vacancy in the office of executive director for any reason prior to the expiration of his term of  
4 office, the name of his successor shall be submitted by the Governor to the General Assembly,  
5 not later than four weeks after the vacancy arises. If a vacancy arises in the office when the  
6 General Assembly is not in session, the executive director shall be appointed by the Governor  
7 to serve on an interim basis pending confirmation by the General Assembly."

8 **SECTION 2.9.** G.S. 62-15(h) reads as rewritten:

9 "(h) The executive director is authorized to employ, subject to approval by the State  
10 Budget Officer, expert witnesses and such other professional expertise as the executive director  
11 may deem necessary from time to time to assist the public staff in its participation in  
12 Commission proceedings, and the compensation and expenses therefor shall be paid by the  
13 utility or utilities participating in said proceedings. Such compensation and expenses shall be  
14 treated by the Commission, for rate-making purposes, in a manner generally consistent with its  
15 treatment of similar expenditures incurred by utilities in the presentation of their cases before  
16 the Commission. An accounting of such compensation and expenses shall be reported annually  
17 to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations  
18 and to the Speaker of the House of Representatives and the President Pro Tempore of the  
19 Senate."

20 **SECTION 2.10.** G.S. 62-36A(c) reads as rewritten:

21 "(c) Within 180 days after all local distribution companies have filed their initial or  
22 biennial update reports, the Commission and the Public Staff shall independently provide  
23 analyses and summaries of those reports, together with status reports of natural gas service in  
24 the State, to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental  
25 Operations."

26 **SECTION 2.11.** G.S. 62-133.2(g) reads as rewritten:

27 "(g) On July 1 of every odd-numbered year, the Utilities Commission shall provide a  
28 report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental  
29 Operations summarizing the proceedings conducted pursuant to this section during the  
30 preceding two years."

31 **SECTION 2.12.** G.S. 62-133.5(k) reads as rewritten:

32 "(k) To evaluate the affordability and quality of local exchange service provided to  
33 consumers in this State, a local exchange company or competing local provider offering basic  
34 local residential exchange service that elects to have its rates, terms, and conditions for its  
35 services determined pursuant to the plan described in subsection (h) of this section shall make  
36 an annual report to the General Assembly on the state of its company's operations. The report  
37 shall be due 30 days after the close of each calendar year and shall cover the period from  
38 January 1 through December 31 of the preceding year. The Joint Legislative ~~Utility Review~~  
39 ~~Committee~~Commission on Governmental Operations must review the annual reports and  
40 decide whether to recommend that the General Assembly take corrective action in response to  
41 those reports. The report shall include the following:

- 42 (1) An analysis of telecommunications competition by the local exchange  
43 company or competing local provider, including access line gain or loss and  
44 the impact on consumer choices from enactment of the Consumer Choice  
45 and Investment Act of 2009.
- 46 (2) An analysis of service quality based on customer satisfaction studies from  
47 enactment of the Consumer Choice and Investment Act of 2009.
- 48 (3) An analysis of the level of local exchange rates from enactment of the  
49 Consumer Choice and Investment Act of 2009."

50 **SECTION 2.13.** G.S. 62-133.8(j) reads as rewritten:

1 "(j) Report. – No later than October 1 of each year, the Commission shall submit a  
2 report on the activities taken by the Commission to implement, and by electric power suppliers  
3 to comply with, the requirements of this section to the Governor, the Environmental Review  
4 Commission, and the Joint Legislative ~~Utility Review Committee~~Commission on  
5 Governmental Operations. The report shall include any public comments received regarding  
6 direct, secondary, and cumulative environmental impacts of the implementation of the  
7 requirements of this section. In developing the report, the Commission shall consult with the  
8 Department of Environment and Natural Resources."

9 **SECTION 2.14.** G.S. 62-133.9(i) reads as rewritten:

10 "(i) The Commission shall submit to the Governor and to the Joint Legislative ~~Utility~~  
11 ~~Review Committee~~Commission on Governmental Operations a summary of the proceedings  
12 conducted pursuant to this section during the preceding two fiscal years on or before September  
13 1 of odd-numbered years."

14 **SECTION 2.15.** G.S. 62-158(d) reads as rewritten:

15 "(d) The Commission, after hearing, may adopt rules to implement this section,  
16 including rules for the establishment of expansion funds, for the use of such funds, for the  
17 remittance to the expansion fund or to customers of supplier and transporter refunds and  
18 expansion surcharges or other funds that were sources of the expansion fund, and for  
19 appropriate accounting, reporting and ratemaking treatment. The Commission and Public Staff  
20 shall report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental  
21 Operations on the operation of any expansion funds in conjunction with the reports required  
22 under G.S. 62-36A."

23 **SECTION 2.16.** G.S. 62-159(d) reads as rewritten:

24 "(d) The Commission, after hearing, shall adopt rules to implement this section as soon  
25 as practicable. The Commission and Public Staff shall report to the Joint Legislative ~~Utility~~  
26 ~~Review Committee~~Commission on Governmental Operations on the use of funding provided  
27 under this section in conjunction with the reports required under G.S. 62-36A."

28 **SECTION 2.17.** G.S. 62A-44(c) reads as rewritten:

29 "(c) Report. – In February of each odd-numbered year, the 911 Board must report to the  
30 Joint Legislative Commission on Governmental ~~Operations~~Operations and the Revenue Laws  
31 Study ~~Committee~~, and the Joint Legislative ~~Utility Review Committee~~. The report must contain  
32 complete information regarding receipts and expenditures of all funds received by the 911  
33 Board during the period covered by the report, the status of the 911 system in North Carolina at  
34 the time of the report, and the results of any investigations by the Board of PSAPs that have  
35 been completed during the period covered by the report."

36 **SECTION 2.18.** G.S. 62A-46(a)(2) reads as rewritten:

37 "(2) Reports. – The Board must report to the Joint Legislative Commission on  
38 Governmental ~~Operations~~Operations and the Revenue Laws Study ~~Committee~~, and the Joint  
39 ~~Legislative Utility Review Committee~~ within 45 days of a change in the funding formula. The  
40 report must contain a description of the differences in the old and new formulas and the  
41 projected distributions to each PSAP from the new formula."

42 **SECTION 2.19.** G.S. 93B-2(a) reads as rewritten:

43 "(a) No later than October 31 of each year, each occupational licensing board shall file  
44 with the Secretary of State, the Attorney General, and the Joint ~~Legislative Administrative~~  
45 ~~Procedure Oversight Regulatory Reform Committee~~ an annual report containing all of the  
46 following information:

- 47 (1) The address of the board, and the names of its members and officers.
- 48 (2) The number of persons who applied to the board for examination.
- 49 (3) The number who were refused examination.
- 50 (4) The number who took the examination.
- 51 (5) The number to whom initial licenses were issued.

- 1 (6) The number who applied for license by reciprocity or comity.  
2 (7) The number who were granted licenses by reciprocity or comity.  
3 (7a) The number of official complaints received involving licensed and  
4 unlicensed activities.  
5 (7b) The number of disciplinary actions taken against licensees, or other actions  
6 taken against nonlicensees, including injunctive relief.  
7 (8) The number of licenses suspended or revoked.  
8 (9) The number of licenses terminated for any reason other than failure to pay  
9 the required renewal fee.  
10 (10) The substance of any anticipated request by the occupational licensing board  
11 to the General Assembly to amend statutes related to the occupational  
12 licensing board.  
13 (11) The substance of any anticipated change in rules adopted by the  
14 occupational licensing board or the substance of any anticipated adoption of  
15 new rules by the occupational licensing board."

16 **SECTION 2.20.** G.S. 93B-2(b) reads as rewritten:

17 "(b) No later than October 31 of each year, each occupational licensing board shall file  
18 with the Secretary of State, the Attorney General, the Office of State Budget and Management,  
19 and the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee a  
20 financial report that includes the source and amount of all funds credited to the occupational  
21 licensing board and the purpose and amount of all funds disbursed by the occupational  
22 licensing board during the previous fiscal year."

23 **SECTION 2.21.** G.S. 95-25.23C(c) reads as rewritten:

24 "(c) Report. – No later than February 1 of each year, the Commissioner shall submit a  
25 written report to the General Assembly, the ~~Legislative Study Commission on Children and~~  
26 ~~Youth~~Joint Legislative Education Oversight Committee, and the Fiscal Research Division of  
27 the General Assembly on the Department of Labor's investigative, inspection, and enforcement  
28 activities under the Wage and Hour Act pertaining to youth employment. Each report submitted  
29 pursuant to this subsection shall contain data and information about the calendar year preceding  
30 the date on which the last written report was submitted. The report shall include at least all of  
31 the following:

- 32 (1) All activities the Department of Labor has sponsored or participated in for  
33 the purpose of educating employers about their responsibilities under the  
34 Wage and Hour Act.  
35 (2) The total number of complaints received by the Department of Labor  
36 alleging youth employment violations under the Wage and Hour Act, or any  
37 regulations issued under the Wage and Hour Act, or both.  
38 (3) The specific types of youth employment violations alleged and the ages of  
39 the youths referenced in the complaints received by the Department of  
40 Labor.  
41 (4) The total number of investigations conducted by the Department of Labor  
42 concerning alleged youth employment violations, the length of the  
43 investigations, and the number of investigators assigned to conduct the  
44 investigations. For purposes of this subdivision, the Commissioner shall  
45 provide a separate analysis of (i) investigations initiated by the Department  
46 in response to a complaint, (ii) investigations initiated by the Department in  
47 the absence of a complaint, and (iii) alleged record-keeping violations  
48 pertaining to youth employment.  
49 (5) The total number of administrative proceedings involving youth employment  
50 violations.

- 1 (6) The total number and identity of employers cited for youth employment  
2 violations and the industries or occupations that received the greatest and the  
3 least number of complaints alleging youth employment violations.
- 4 (7) The total number and dollar amount of civil penalties assessed pursuant to  
5 G.S. 95-25.23 and the total number and dollar amount of civil penalties  
6 actually collected pursuant to that section. For purposes of this subdivision,  
7 the Commissioner shall provide a detailed, itemized list of each civil penalty  
8 represented in the total number and dollar amounts reported pursuant to this  
9 subdivision and indicate whether each civil penalty is the result of a  
10 complaint.
- 11 (8) The total number and dollar amount of civil penalties assessed pursuant to  
12 G.S. 95-25.23A and the total number and dollar amount of civil penalties  
13 actually collected pursuant to that section. For purposes of this subdivision,  
14 the Commissioner shall provide a detailed, itemized list of each civil penalty  
15 represented in the total number and dollar amounts reported pursuant to this  
16 subdivision and indicate whether each civil penalty is the result of a  
17 complaint.
- 18 (9) An explanation of any obstacles that prevented the Department of Labor  
19 from enforcing any provision of the Wage and Hour Act as it pertains to  
20 youth employment, any recommended changes to the Wage and Hour Act to  
21 strengthen the Department of Labor's oversight and enforcement of youth  
22 employment laws and regulations in this State, and any other information  
23 related to the Department of Labor's enhanced enforcement of the State's  
24 youth employment laws and regulations.
- 25 (10) Recommendations about the funding needed by the Department to (i)  
26 eliminate any identified obstacles to enforcement of youth employment laws  
27 and regulations and (ii) effectively implement any recommended changes."

28 **SECTION 2.22.** G.S. 108A-55(c) reads as rewritten:

29 "(c) The Department shall reimburse providers of services, equipment, or supplies under  
30 the Medical Assistance Program in the following amounts:

- 31 (1) The amount approved by the Health Care Financing Administration of the  
32 United States Department of Health and Human Services, if that  
33 Administration approves an exact reimbursement amount;
- 34 (2) The amount determined by application of a method approved by the Health  
35 Care Financing Administration of the United States Department of Health  
36 and Human Services, if that Administration approves the method by which a  
37 reimbursement amount is determined, and not the exact amount.

38 The Department shall establish the methods by which reimbursement amounts are  
39 determined in accordance with Chapter 150B of the General Statutes. A change in a  
40 reimbursement amount becomes effective as of the date for which the change is approved by  
41 the Health Care Financing Administration of the United States Department of Health and  
42 Human Services. The Department shall report to the Fiscal Research Division of the Legislative  
43 Services Office and to the Senate Appropriations Committee on Human Resources and the  
44 House of Representatives Appropriations Subcommittee on Human Resources or the Joint  
45 ~~Legislative Commission on Health Care Oversight~~ Committee on Health and Human Services  
46 on any change in a reimbursement amount at the same time as it sends out public notice of this  
47 change prior to presentation to the Health Care Financing Administration."

48 **SECTION 2.23.** G.S. 108A-70.25 reads as rewritten:

49 **"§ 108A-70.25. State Plan for Health Insurance Program for Children.**

50 The Department shall develop and submit a State Plan to implement "The Health Insurance  
51 Program for Children" authorized under this Part to the federal government as application for

1 federal funds under Title XXI. The State Plan submitted under this Part shall be developed by  
2 the Department only as authorized by and in accordance with this Part. No provision in the  
3 State Plan submitted under this Part may expand or otherwise alter the scope or purpose of the  
4 Program from that authorized under this Part. The Department shall include in the State Plan  
5 submitted only those items required by this Part and required by the federal government to  
6 qualify for federal funds under Title XXI and necessary to secure the State's federal fund  
7 allotment for the applicable fiscal period. Except as otherwise provided in this section, the  
8 Department shall not amend the State Plan nor submit any amendments thereto to the federal  
9 government for review or approval without the specific approval of the General Assembly. In  
10 the event federal law requires that an amendment be made to the State Plan and further requires  
11 that the amendment be submitted or implemented within a time period when the General  
12 Assembly is not and will not be in session to approve the amendment, then the Department may  
13 submit the amendment to the federal government for review and approval without the approval  
14 of the General Assembly. Prior to submitting an amendment to the federal government without  
15 General Assembly approval as authorized in this section, the Department shall report the  
16 proposed amendment to the Joint Legislative ~~Health Care Oversight Committee~~ on Health and  
17 Human Services and to members of the Joint Appropriations Subcommittee on Health and  
18 Human Services. The report shall include an explanation of the amendment, the necessity  
19 therefor, and the federal time limits required for implementation of the amendment."

20 **SECTION 2.24.** G.S. 108A-70.27(b) reads as rewritten:

21 "(b) The Department shall report annually to the Joint Legislative ~~Health Care Oversight~~  
22 Committee on Health and Human Services and shall provide a copy of the report to the Joint  
23 Appropriations Subcommittees on Health and Human Services. The report shall include:

- 24 (1) Data collected as required under subsection (a) of this section and an  
25 analysis thereof giving trends and projections for continued Program  
26 funding;
- 27 (2) Program areas working most effectively and least effectively;
- 28 (3) Performance measures used to ensure Program quality, fiscal integrity, ease  
29 of access, and appropriate utilization of preventive and medical care;
- 30 (4) Effectiveness of system linkages in addressing access, quality of care, and  
31 Program efficiency;
- 32 (5) Recommended changes in the Program necessary to improve Program  
33 efficiency and effectiveness;
- 34 (6) Any other information requested by the Committee pertinent to the provision  
35 of health insurance for children and the implementation of the Program."

36 **SECTION 2.25.** G.S. 108A-70.27(c) reads as rewritten:

37 "(c) The Executive Administrator and Board of Trustees of the North Carolina Teachers'  
38 and State Employees' Major Medical Plan ("Plan") shall provide to the Department data  
39 required under this section that are collected by the Plan. Data shall be reported by the Plan in  
40 sufficient detail to meet federal reporting requirements under Title XXI. The Plan shall report  
41 periodically to the Joint Legislative ~~Health Care Oversight Committee~~ on Health and Human  
42 Services claims processing data for the Program and any other information the Plan or the  
43 Committee deems appropriate and relevant to assist the Committee in its review of the  
44 Program."

45 **SECTION 2.26.** G.S. 113-175.6 reads as rewritten:

46 **"§ 113-175.6. Report.**

47 The Chair of the Marine Fisheries Commission and the Chair of the Wildlife Resources  
48 Commission shall jointly submit to the Joint Legislative Commission on ~~Seafood and~~  
49 Aquaculture Governmental Operations by October 1 of each year a report on the Marine  
50 Resources Fund and the Endowment Fund that shall include the source and amounts of all

1 moneys credited to each fund and the purpose and amount of all disbursements from each fund  
2 during the prior fiscal year."

3 **SECTION 2.27.** G.S. 113-182.1(c1) reads as rewritten:

4 "(c1) The Department shall consult with the regional advisory committees established  
5 pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan.  
6 Before submission of a plan for review by the Joint Legislative Commission on ~~Seafood and~~  
7 ~~Aquaculture~~Governmental Operations, the Department shall review any comment or  
8 recommendation regarding the plan that a regional advisory committee submits to the  
9 Department within the time limits established in the Schedule for the development and  
10 adoption of Fishery Management Plans established by G.S. 143B-289.52. Before the  
11 Commission adopts a management measure to implement a plan, the Commission shall review  
12 any comment or recommendation regarding the management measure that a regional advisory  
13 committee submits to the Commission."

14 **SECTION 2.28.** G.S. 113-182.1(e) reads as rewritten:

15 "(e) The Secretary of Environment and Natural Resources shall monitor progress in the  
16 development and adoption of Fishery Management Plans in relation to the Schedule for  
17 development and adoption of the plans established by the Marine Fisheries Commission. The  
18 Secretary of Environment and Natural Resources shall report to the Joint Legislative  
19 Commission on ~~Seafood and Aquaculture~~Governmental Operations on progress in developing  
20 and implementing the Fishery Management Plans on or before 1 September of each year. The  
21 Secretary of Environment and Natural Resources shall report to the Joint Legislative  
22 Commission on Seafood and Aquaculture within 30 days of the completion or substantial  
23 revision of each proposed Fishery Management Plan. The Joint Legislative Commission on  
24 ~~Seafood and Aquaculture~~Governmental Operations shall review each proposed Fishery  
25 Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary.  
26 The Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations may  
27 submit comments and recommendations on the proposed Plan to the Secretary within 30 days  
28 of the date the proposed Plan is submitted by the Secretary."

29 **SECTION 2.29.** G.S. 113-200(i) reads as rewritten:

30 "(i) Report on Grant Program. – The Sea Grant College Program shall report on the  
31 Fishery Resource Grant Program to the Marine Fisheries Commission and the Joint Legislative  
32 Commission on ~~Seafood and Aquaculture~~Governmental Operations no later than January 1 of  
33 each year."

34 **SECTION 2.30.** G.S. 120-70.33(8) reads as rewritten:

35 "(8) To undertake such additional studies as it deems appropriate or as may from  
36 time to time be requested by the President Pro Tempore of the Senate, the  
37 Speaker of the House of Representatives, either house of the General  
38 Assembly, the Legislative Research Commission, the Joint Legislative  
39 Commission on Governmental Operations, or the Environmental Review  
40 Commission, ~~or the Joint Legislative Utility Review Committee~~, and to  
41 make such reports and recommendations to the General Assembly regarding  
42 such studies as it deems appropriate."

43 **SECTION 2.31.** G.S. 120-70.43(a)(7) reads as rewritten:

44 "(7) To undertake such additional studies as it deems appropriate or as may from  
45 time to time be requested by the President Pro Tempore of the Senate, the  
46 Speaker of the House of Representatives, either house of the General  
47 Assembly, the Legislative Research Commission, or the Joint Legislative  
48 Commission on Governmental Operations, ~~the Joint Legislative Utility~~  
49 ~~Review Committee~~, ~~or the Joint Select Committee on Low Level~~  
50 ~~Radioactive Waste~~Operations and to make such reports and  
51 recommendations to the General Assembly regarding such studies as it



1           deems appropriate; provided that the Environmental Review Commission  
2           shall not undertake any study which the General Assembly has assigned to  
3           another legislative commission or committee."

4           **SECTION 2.32.** G.S. 120-163 reads as rewritten:

5   "**§ 120-163. Petition.**

6       (a)   The process of seeking the recommendation of the ~~Commission~~Municipal  
7   Incorporations Subcommittee is commenced by filing with the ~~Commission~~Municipal  
8   Incorporations Subcommittee a petition signed by fifteen percent (15%) of the registered voters  
9   of the area proposed to be incorporated, but by not less than 25 registered voters of that area,  
10   asking for incorporation. The voter shall sign the petition and also clearly print that voter's  
11   name adjacent to the signature. The petition must also contain the voter's residence address and  
12   date of birth.

13       ...

14       (d)   The petitioners must present to the ~~Commission~~Municipal Incorporations  
15   Subcommittee the verified petition from the county board of elections.

16       (e)   A petition must be submitted to the ~~Commission~~Municipal Incorporations  
17   Subcommittee at least 60 days prior to convening of the next regular session of the General  
18   Assembly in order for the ~~Commission~~Municipal Incorporations Subcommittee to make a  
19   recommendation to that session."

20       **SECTION 2.33.** G.S. 120-164 reads as rewritten:

21   "**§ 120-164. Notification.**

22       (a)   Not later than five days before submitting the petition to the ~~Commission~~Municipal  
23   Incorporations Subcommittee, the petitioners shall notify:

- 24           (1)   The board or boards of county commissioners of the county or counties  
25                where the proposed municipality is located;  
26           (2)   All cities within that county or counties; and  
27           (3)   All cities in any other county that are within five miles of the proposed  
28                municipality of the intent to present the petition to the  
29                ~~Commission~~Municipal Incorporations Subcommittee.

30       (b)   The petitioners shall also publish, one per week for two consecutive weeks, with the  
31   second publication no later than seven days before submitting the petition to the ~~Commission~~,  
32   Municipal Incorporations Subcommittee notice in a newspaper of general circulation in the area  
33   proposed to be incorporated of the intent to present the petition to the ~~Commission~~Municipal  
34   Incorporations Subcommittee."

35       **SECTION 2.34.** G.S. 120-165 reads as rewritten:

36   "**§ 120-165. Initial inquiry.**

37       (a)   The ~~Commission~~Municipal Incorporations Subcommittee shall, upon receipt of the  
38   petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it  
39   determines that those requirements have not been met, it shall return the petition to the  
40   petitioners. The ~~Commission~~Municipal Incorporations Subcommittee shall also publish in the  
41   North Carolina Register notice that it has received the petition.

42       (b)   If it determines that those requirements have been met, it shall conduct further  
43   inquiry as provided by this Part."

44       **SECTION 2.35.** G.S. 120-166 reads as rewritten:

45   "**§ 120-166. Additional criteria; nearness to another municipality.**

46       (a)   The ~~Commission~~Municipal Incorporations Subcommittee may not make a positive  
47   recommendation if the proposed municipality is located within one mile of a municipality of  
48   5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a  
49   municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over,  
50   according to the most recent decennial federal census, or according to the most recent annual  
51   estimate of the Office of State Budget and Management if the municipality was incorporated

1 since the return of that census. For purposes of this section, "municipality" means a city as  
2 defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of  
3 Chapter 153A of the General Statutes.

4 (b) Subsection (a) of this section does not apply in the case of proximity to a specific  
5 municipality if:

- 6 (1) The proposed municipality is entirely on an island that the nearby city is not  
7 on;
- 8 (2) The proposed municipality is separated by a major river or other natural  
9 barrier from the nearby city, such that provision of municipal services by the  
10 nearby city to the proposed municipality is infeasible or the cost is  
11 prohibitive, and the ~~Commission~~ Municipal Incorporations Subcommittee  
12 shall adopt policies to implement this subdivision;
- 13 (3) The municipalities within the distances described in subsection (a) of this  
14 section by resolution express their approval of the incorporation; or
- 15 (4) An area of at least fifty percent (50%) of the proposed municipality has  
16 petitioned for annexation to the nearby city under G.S. 160A-31 within the  
17 previous 12 months before the incorporation petition is submitted to the  
18 ~~Commission~~ Municipal Incorporations Subcommittee but the annexation  
19 petition was not approved."

20 **SECTION 2.36.** G.S. 120-168 reads as rewritten:

21 **"§ 120-168. Additional criteria; development.**

22 The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive  
23 recommendation unless forty percent (40%) of the area is developed for residential,  
24 commercial, industrial, institutional, or governmental uses, or is dedicated as open space under  
25 the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit,  
26 or recorded restrictive covenants."

27 **SECTION 2.37.** G.S. 120-169 reads as rewritten:

28 **"§ 120-169. Additional criteria; area unincorporated.**

29 The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive  
30 recommendation if any of the proposed municipality is included within the boundary of another  
31 incorporated municipality, as defined by G.S. 153A-1(1), or if any of the proposed municipality  
32 is included within the boundary of a county that has exercised its authority under Article 24 of  
33 Chapter 153A of the General Statutes."

34 **SECTION 2.38.** G.S. 120-169.1 reads as rewritten:

35 **"§ 120-169.1. Additional criteria; level of development, services; financial impact on  
36 other local governments.**

37 (a) Repealed by Session Laws 1999-458, s. 4.

38 (b) Services. – The ~~Commission~~ Municipal Incorporations Subcommittee may not make  
39 a positive recommendation unless the area to be incorporated submits a plan for providing a  
40 reasonable level of municipal services. This plan shall be based on the proposed services stated  
41 in the petition under G.S. 120-163(c).

42 (c) The ~~Commission~~ Municipal Incorporations Subcommittee in its report shall indicate  
43 the impact on other municipalities and counties of diversion of already levied local taxes or  
44 State-shared revenues from existing local governments to support services in the proposed  
45 municipality."

46 **SECTION 2.39.** G.S. 120-221(c) reads as rewritten:

47 "(c) The Task Force shall report at least annually to the Commission or more  
48 frequently at the request of the cochairs of the Commission, and shall also  
49 report on April 1 of each year to the House of Representatives  
50 Appropriations Subcommittee on Health and Human Services, the Senate  
51 Appropriations Committee on Health and Human Services, the Joint

1 Legislative Oversight Committee on ~~Mental Health, Developmental~~  
2 ~~Disabilities, and Substance Abuse~~Health and Human Services, and the Fiscal  
3 Research Division."

4 **SECTION 2.40.** G.S. 122C-5 reads as rewritten:

5 "**§ 122C-5. Report on restraint and seclusion.**

6 The Secretary shall report annually on October 1 to the Joint Legislative Oversight  
7 Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and  
8 Human Services on the following for the immediately preceding fiscal year:

- 9 (1) The level of compliance of each facility with applicable State and federal  
10 laws, rules, and regulations governing the use of restraints and seclusion.  
11 The information shall indicate areas of highest and lowest levels of  
12 compliance.
- 13 (2) The total number of facilities that reported deaths under G.S. 122C-31, the  
14 number of deaths reported by each facility, the number of deaths  
15 investigated pursuant to G.S. 122C-31, and the number found by the  
16 investigation to be related to the use of restraint or seclusion."

17 **SECTION 2.41.** G.S. 122C-13(11) reads as rewritten:

18 "(11) Submit a report annually to the Secretary, the Joint Legislative Oversight  
19 Committee on ~~Mental Health, Developmental Disabilities, and Substance~~  
20 ~~Abuse~~Health and Human Services, and the Joint Legislative Health Care  
21 Oversight Committee containing data and findings regarding the types of  
22 problems experienced and complaints reported by or on behalf of providers,  
23 consumers, and employees of providers, as well as recommendations to  
24 resolve identified issues and to improve the administration of MH/DD/SA  
25 facilities and the delivery of MH/DD/SA services throughout the State."

26 **SECTION 2.42.** G.S. 122C-102(c) reads as rewritten:

27 "(c) State Performance Measures. – The State Plan shall also include a mechanism for  
28 measuring the State's progress towards increased performance on the following matters: access  
29 to services, consumer-focused outcomes, individualized planning and supports, promotion of  
30 best practices, quality management systems, system efficiency and effectiveness, and  
31 prevention and early intervention. Beginning October 1, 2006, and every six months thereafter,  
32 the Secretary shall report to the General Assembly and the Joint Legislative Oversight  
33 Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and  
34 Human Services, on the State's progress in these performance areas."

35 **SECTION 2.43.** G.S. 122C-112.1(a)(30) reads as rewritten:

36 "(30) Prior to requesting approval to close a State facility under G.S. 122C-181(b):

- 37 a. Notify the Joint Legislative Commission on Governmental  
38 Operations, the Joint Legislative Oversight Committee on ~~Mental~~  
39 ~~Health, Developmental Disabilities, and Substance Abuse~~Health and  
40 Human Services, and members of the General Assembly who  
41 represent catchment areas affected by the closure; and
- 42 b. Present a plan for the closure to the members of the Joint Legislative  
43 Oversight Committee on ~~Mental Health, Developmental Disabilities,~~  
44 ~~and Substance Abuse~~Health and Human Services, the House of  
45 Representatives Appropriations Subcommittee on Health and Human  
46 Services, and the Senate Appropriations Committee on Health and  
47 Human Services for their review, advice, and recommendations. The  
48 plan shall address specifically how patients will be cared for after  
49 closure, how support services to community-based agencies and  
50 outreach services will be continued, and the impact on remaining  
51 State facilities. In implementing the plan, the Secretary shall take into

1 consideration the comments and recommendations of the committees  
2 to which the plan is presented under this subdivision."

3 **SECTION 2.44.** G.S. 122C-112.1(a)(35) reads as rewritten:

4 "(35) Develop and adopt rules governing a statewide data system containing waiting list  
5 information obtained annually from each LME as required under G.S. 122C-115.4(b)(8). The  
6 rules adopted shall establish standardized criteria to be used by LMEs to ensure that the waiting  
7 list data are consistent across LMEs. The Department shall use data collected from LMEs under  
8 G.S. 122C-115.4(b)(8) for statewide planning and needs projections. The creation of the  
9 statewide waiting list data system does not create an entitlement to services for individuals on  
10 the waiting list. The Department shall report annually to the Joint Legislative Oversight  
11 Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and  
12 Human Services its recommendations based on data obtained annually from each LME. The  
13 report shall indicate the services that are most needed throughout the State, plans to address  
14 unmet needs, and any cost projections for providing needed services."

15 **SECTION 2.45.** G.S. 122C-115.4(e) reads as rewritten:

16 "(e) Notwithstanding subsection (d) of this section, in the case of serious financial  
17 mismanagement or serious regulatory noncompliance, the Secretary may temporarily remove  
18 an LME function after consultation with the Joint Legislative Oversight Committee on ~~Mental~~  
19 ~~Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services."

20 **SECTION 2.46.** G.S. 130A-40.1(b) reads as rewritten:

21 "(b) The Secretary of Health and Human Services may approve only one request under  
22 subsection (a) of this section, this section being designed as a pilot program concerning  
23 alternative qualifications for a local health director. The Secretary of Health and Human  
24 Services shall report any approval under this section to the ~~Public Health Study~~  
25 ~~Commission~~ Joint Legislative Oversight Committee on Health and Human Services."

26 **SECTION 2.47.** G.S. 131D-2.13(e) reads as rewritten:

27 "(e) Report on Use of Restraint. – The Department shall report annually on October 1 to  
28 the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and~~  
29 ~~Substance Abuse~~ Health and Human Services the following for the immediately preceding  
30 fiscal year:

- 31 (1) The level of compliance of each adult care home with applicable State law  
32 and rules governing the use of physical restraint and physical hold of  
33 residents. The information shall indicate areas of highest and lowest levels of  
34 compliance.
- 35 (2) The total number of adult care homes that reported deaths under  
36 G.S. 131D-34.1, the number of deaths reported by each facility, the number  
37 of deaths investigated pursuant to G.S. 131D-34.1, and the number found by  
38 the investigation to be related to the adult care home's use of physical  
39 restraint or physical hold."

40 **SECTION 2.48.** G.S. 131D-10.6(10) reads as rewritten:

41 "(10) Report annually on October 1 to the Joint Legislative Oversight Committee on  
42 ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human  
43 Services the level of facility compliance with applicable State law governing the use of restraint and  
44 time-out in residential child-care facilities. The report shall also include the total number of  
45 facilities that reported deaths under this section, the number of deaths reported by each facility,  
46 the number of deaths investigated pursuant to this section, and the number found by the  
47 investigation to be related to the use of physical restraint or time-out."

48 **SECTION 2.49.** G.S. 131E-314 reads as rewritten:

49 "§ 131E-314. **Division Reporting.**

50 The Division of Medical Assistance of the Department of Health and Human Services shall  
51 report quarterly to the Joint Legislative ~~Health Care Oversight Committee~~ on Health and

1 Human Services on its regulatory activities in the enforcement of this ~~aet~~-Article and shall  
2 provide the Committee with a summary of nonconfidential information on the financial plans  
3 and operations of PSOs. The report to the Committee shall include a description and  
4 explanation of any regulations or regulatory interpretations that differ from Department of  
5 Insurance regulations applicable to HMOs. The report shall also include PSO efforts to improve  
6 community health status. The Division shall develop processes or methods to measure  
7 improvements in health outcomes for Medicare beneficiaries served by managed care  
8 organizations and shall report quarterly to the Joint Legislative ~~Health Care Oversight~~  
9 Committee on Health and Human Services on the development of these standards."

10 **SECTION 2.50.** G.S. 143-318.14A(a) reads as rewritten:

11 "(a) Except as provided in subsection (e) below, all official meetings of commissions,  
12 committees, and standing subcommittees of the General Assembly (including, without  
13 limitation, joint committees and study committees), shall be held in open session. For the  
14 purpose of this section, the following also shall be considered to be "commissions, committees,  
15 and standing subcommittees of the General Assembly:

- 16 (1) The Legislative Research Commission;
- 17 (2) The Legislative Services Commission;
- 18 (3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and  
19 applicable to the budget for the 2007-2009 biennium and each subsequent  
20 biennium thereafter;
- 21 ~~(4) The Joint Legislative Utility Review Committee;~~
- 22 (5) The Joint Legislative Commission on Governmental Operations;
- 23 (6) The Joint Legislative Commission on ~~Municipal Incorporations;~~Local  
24 Government;
- 25 (7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
- 26 ~~(8) The Joint Select Committee on Low-Level Radioactive Waste;~~
- 27 (9) The Environmental Review Commission;
- 28 (10) The Joint Legislative Transportation Oversight Committee;
- 29 (11) The Joint Legislative Education Oversight Committee;
- 30 ~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~
- 31 (13) The Commission on Children with Special Needs;
- 32 ~~(14) The Legislative Committee on New Licensing Boards;~~
- 33 (15) The Agriculture and Forestry Awareness Study Commission; and
- 34 ~~(16) The North Carolina Study Commission on Aging; and~~
- 35 (17) The standing Committees on Pensions and Retirement."

36 **SECTION 2.51.** G.S. 143B-273.8(b) reads as rewritten:

37 "(b) The Department of Correction shall report by February 1 of each year to the Chairs  
38 of the Senate and House Appropriations Committees, the Senate and House Appropriations  
39 Subcommittees on Justice and Public Safety, and the Joint Legislative ~~Corrections, Crime~~  
40 ~~Control, and Juvenile Justice Oversight Committee~~ on Justice and Public Safety on the status of  
41 the Criminal Justice Partnership Program. The report shall include the following information:"

42 **SECTION 2.52.** G.S. 143B-279.8(e) reads as rewritten:

43 "(e) The Coastal Resources Commission, the Environmental Management Commission,  
44 and the Marine Fisheries Commission shall report to the Joint Legislative Commission on  
45 ~~Seafood and Aquaculture~~Governmental Operations and the Environmental Review  
46 Commission on progress in developing and implementing the Coastal Habitat Protection Plans,  
47 including the extent to which the actions of the three commissions are consistent with the Plans,  
48 on or before 1 September of each year."

49 **SECTION 2.53.** G.S. 143B-279.8(f) reads as rewritten:

50 "(f) The Secretary of Environment and Natural Resources shall report to the  
51 Environmental Review Commission and the Joint Legislative Commission on Seafood and

1 Aquaculture within 30 days of the completion or substantial revision of each draft Coastal  
2 Habitat Protection Plan. The Environmental Review Commission and the Joint Legislative  
3 Commission on ~~Seafood and Aquaculture~~Governmental Operations shall concurrently review  
4 each draft Coastal Habitat Protection Plan within 30 days of the date the draft Plan is submitted  
5 by the Secretary. The Environmental Review Commission and the Joint Legislative  
6 Commission on ~~Seafood and Aquaculture~~Governmental Operations may submit comments and  
7 recommendations on the draft Plan to the Secretary within 30 days of the date the draft Plan is  
8 submitted by the Secretary."

9 **SECTION 2.54.** G.S. 147-16(b) reads as rewritten:

10 "(b) The Governor shall, unless otherwise requested by any person listed in subdivisions  
11 (1) through (4) of this subsection, provide notice of the commutation of any sentence within 20  
12 days after the commutation by first-class mail to the following at the last known address:

- 13 (1) The victim or victims of the crime for which the sentence was imposed;
- 14 (2) The victims' spouse, children, and parents;
- 15 (3) Any other members of the victims' family who request in writing to be  
16 notified; and
- 17 (4) The Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile~~  
18 ~~Justice Oversight Committee.~~Oversight Committee on Justice and Public  
19 Safety."

20 **SECTION 2.55.** G.S. 147-86.35(a) reads as rewritten:

21 "(a) The chair of the Commission shall report each year by November 1 to the Joint  
22 Legislative Commission on Governmental Operations and to the chairs of the Joint Legislative  
23 ~~Health Care Oversight Committee~~ on Health and Human Services regarding implementation of  
24 this Article, including a report on funds disbursed during the fiscal year by amount, purpose,  
25 and category of recipient, and other information as requested by the Joint Legislative  
26 Commission on Governmental Operations. The annual report shall also include a summary of  
27 each recipient's annual report submitted to the Health and Wellness Trust Fund Commission  
28 pursuant to G.S. 147-86.31(b) and an analysis of progress toward the goals and objectives of  
29 any comprehensive, community-based plan established pursuant to G.S. 147-86.30(e)(3). A  
30 written copy of the annual report shall also be sent to the Legislative Library by November 1  
31 each year. Written reports shall also be sent on a quarterly basis to the Joint Legislative  
32 Commission on Governmental Operations."

33 **SECTION 2.56.** G.S. 148-37(c) reads as rewritten:

34 "(c) In addition to the authority contained in subsections (a) and (b) of this section, and  
35 in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction  
36 may enter into contracts with any public entity or any private nonprofit or for-profit firms for  
37 the confinement and care of State prisoners in any out-of-state correctional facility when to do  
38 so would most economically and effectively promote the purposes served by the Department of  
39 Correction. Contracts entered into under the authority of this subsection shall be for a period  
40 not to exceed two years and shall be renewable from time to time for a period not to exceed two  
41 years. Prisoners may be sent to out-of-state correctional facilities only when there are no  
42 available facilities in this State within the State prison system to appropriately house those  
43 prisoners. Any contract made under the authority of this subsection shall be approved by the  
44 Department of Administration before the contract is executed. Before expending more than the  
45 amount specifically appropriated by the General Assembly for the out-of-state housing of  
46 inmates, the Department shall obtain the approval of the Joint Legislative Commission on  
47 Governmental Operations and shall report such expenditures to the Chairs of the Senate and  
48 House Appropriations Committees, the Chairs of the Senate and House Appropriations  
49 Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative  
50 ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee  
51 on Justice and Public Safety."

1           **SECTION 2.57.** G.S. 148-37(g) reads as rewritten:

2           "(g) The Secretary of Correction may contract with private for-profit or nonprofit firms  
3 for the provision and operation of four or more confinement facilities totaling up to 2,000 beds  
4 in the State to house State prisoners when to do so would most economically and effectively  
5 promote the purposes served by the Department of Correction. This 2,000-bed limitation shall  
6 not apply to the 500 beds in private substance abuse treatment centers authorized by the  
7 General Assembly prior to July 1, 1995. Whenever the Department of Correction determines  
8 that new prison facilities are required in addition to existing and planned facilities, the  
9 Department may contract for any remaining beds authorized by this section before constructing  
10 State-operated facilities.

11           Contracts entered under the authority of this subsection shall be for a period not to exceed  
12 10 years, shall be renewable from time to time for a period not to exceed 10 years. The  
13 Secretary of Correction shall enter contracts under this subsection only if funds are  
14 appropriated for this purpose by the General Assembly. Contracts entered under the authority  
15 of this subsection may be subject to any requirements for the location of the confinement  
16 facilities set forth by the General Assembly in appropriating those funds.

17           Once the Department has made a determination to contract for additional private prison  
18 beds, it shall issue a request for proposals within 30 days of the decision. The request for  
19 proposals shall require bids to be submitted within two months, and the Department shall award  
20 contracts at the earliest practicable date after the submission of bids. The Secretary of  
21 Correction, in consultation with the Chairs of the Joint Legislative ~~Corrections, Crime Control,~~  
22 ~~and Juvenile Justice-Oversight Committee~~ on Justice and Public Safety and the Chairs of the  
23 House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make  
24 recommendations to the State Purchasing Officer on the final award decision. The State  
25 Purchasing Officer shall make the final award decision, and the contract shall then be subject to  
26 the approval of the Council of State after consultation with the Joint Legislative Commission  
27 on Governmental Operations.

28           Contracts made under the authority of this subsection may provide the State with an option  
29 to purchase the confinement facility or may provide for the purchase of the confinement facility  
30 by the State. Contracts made under the authority of this subsection shall state that plans and  
31 specifications for private confinement facilities shall be furnished to and reviewed by the  
32 Office of State Construction. The Office of State Construction shall inspect and review each  
33 project during construction to ensure that the project is suitable for habitation and to determine  
34 whether the project would be suitable for future acquisition by the State. All contracts for the  
35 housing of State prisoners in private confinement facilities shall require a minimum of ten  
36 million dollars (\$10,000,000) of occurrence-based liability insurance and shall hold the State  
37 harmless and provide reimbursement for all liability arising out of actions caused by operations  
38 and employees of the private confinement facility.

39           Prisoners housed in private confinement facilities pursuant to this subsection shall remain  
40 subject to the rules adopted for the conduct of persons committed to the State prison system.  
41 The Secretary of Correction may review and approve the design and construction of private  
42 confinement facilities before housing State prisoners in these facilities. The rules regarding  
43 good time, gain time, and earned credits, discipline, classification, extension of the limits of  
44 confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates  
45 housed in private confinement facilities pursuant to this subsection. The operators of private  
46 confinement facilities may adopt any other rules as may be necessary for the operation of those  
47 facilities with the written approval of the Secretary of Correction. Custodial officials employed  
48 by a private confinement facility are agents of the Secretary of Correction and may use those  
49 procedures for use of force authorized by the Secretary of Correction to defend themselves, to  
50 enforce the observance of discipline in compliance with confinement facility rules, to secure

1 the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ  
2 inmate disciplinary and grievance policies of the North Carolina Department of Correction."

3 **SECTION 2.58.** G.S. 148-37(i) reads as rewritten:

4 "(i) The Department of Correction shall make a written report no later than March 1 of  
5 every odd-numbered year, beginning in 1997, on the substance of all outstanding contracts for  
6 the housing of State prisoners entered into under the authority of this section. The report shall  
7 be submitted to the Council of State, the Department of Administration, the Joint Legislative  
8 Commission on Governmental Operations, and the Joint Legislative ~~Corrections, Crime~~  
9 ~~Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public  
10 Safety. In addition to the report, the Department of Correction shall provide information on  
11 contracts for the housing of State prisoners as requested by these groups."

12 **SECTION 2.59.** G.S. 150B-21.11 reads as rewritten:

13 **"§ 150B-21.11. Procedure when Commission approves permanent rule.**

14 When the Commission approves a permanent rule, it must notify the agency that adopted  
15 the rule of the Commission's approval, deliver the approved rule to the Codifier of Rules, and  
16 include the text of the approved rule and a summary of the rule in its next report to the Joint  
17 ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee.

18 If the approved rule will increase or decrease expenditures or revenues of a unit of local  
19 government, the Commission must also notify the Governor of the Commission's approval of  
20 the rule and deliver a copy of the approved rule to the Governor by the end of the month in  
21 which the Commission approved the rule."

22 **SECTION 2.60.** G.S. 150B-21.12(d) reads as rewritten:

23 "(d) Return of Rule. – A rule to which the Commission has objected remains under  
24 review by the Commission until the agency that adopted the rule decides not to satisfy the  
25 Commission's objection and makes a written request to the Commission to return the rule to the  
26 agency. When the Commission returns a rule to which it has objected, it must notify the  
27 Codifier of Rules of its action and must send a copy of the record of the Commission's review  
28 of the rule to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform  
29 Committee in its next report to that Committee. If the rule that is returned would have increased  
30 or decreased expenditures or revenues of a unit of local government, the Commission must also  
31 notify the Governor of its action and must send a copy of the record of the Commission's  
32 review of the rule to the Governor. The record of review consists of the rule, the Commission's  
33 letter of objection to the rule, the agency's written response to the Commission's letter, and any  
34 other relevant documents before the Commission when it decided to object to the rule."

35 **SECTION 2.61.** G.S. 150B-21.16 reads as rewritten:

36 **"§ 150B-21.16. Report to Joint ~~Legislative Administrative Procedure Oversight~~**  
37 **Committee.Regulatory Reform Committee.**

38 The Commission must make monthly reports to the Joint ~~Legislative Administrative~~  
39 ~~Procedure Oversight~~Regulatory Reform Committee. The reports are due by the last day of the  
40 month. A report must include the rules approved by the Commission at its meeting held in the  
41 month in which the report is due and the rules the Commission returned to agencies during that  
42 month after the Commission objected to the rule. A report must include any other information  
43 requested by the Joint Legislative Administrative Procedure Oversight Committee. When the  
44 Commission sends a report to the Joint ~~Legislative Administrative Procedure~~  
45 ~~Oversight~~Regulatory Reform Committee, the Commission must send a copy of the report to the  
46 Codifier of Rules."

47 **SECTION 2.62.** G.S. 159B-30.1 reads as rewritten:

48 **"§ 159B-30.1. Additional reports.**

49 Beginning March 1, 1996, and annually thereafter, each joint agency operating under the  
50 authority of Chapter 159B of the General Statutes shall file a report with the Joint Legislative  
51 ~~Utility Review Committee~~Commission on Governmental Operations describing the activities of



1 the joint agency carried out pursuant to the authority granted by G.S. 159B-2, 159B-11(19b),  
2 159B-12 and 159B-17(c). The report shall cover the preceding calendar year. Each joint agency  
3 shall file such additional reports as the Joint Legislative ~~Utility Review Committee~~Commission  
4 on Governmental Operations shall request."  
5

6 **PART III. EFFECTIVE DATE**

7 **SECTION 3.** Unless otherwise provided, this act is effective when it becomes law.