

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 595  
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Senate Program Evaluation Committee Substitute Adopted 6/7/11

Short Title: Reorganization/Legislative Oversight Comms.

(Public)

Sponsors:

Referred to:

April 5, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES  
3 AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES  
4 AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING  
5 THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND  
6 COMMISSIONS, AND MAKING CONFORMING CHANGES.

7 The General Assembly of North Carolina enacts:

8  
9 **PART I. REORGANIZATION AND CONSOLIDATION OF LEGISLATIVE**  
10 **OVERSIGHT COMMITTEES**

11  
12 **LEGISLATIVE SERVICES COMMISSION**

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

14 **"§ 120-31. Legislative Services Commission organization.**

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

34 (b) The President pro tempore of the Senate or his designee from the Commission  
35 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                   (15) With regard to seafood and aquaculture:
- 25                   a. To monitor and study the seafood industry in North Carolina,  
26                   including studies of the feasibility of increasing the State's  
27                   production, processing, and marketing of seafood.
- 28                   b. To study the potential for increasing the role of aquaculture in all  
29                   regions of the State.
- 30                   c. To evaluate the feasibility of creating a central permitting office for  
31                   fishing and aquaculture matters.
- 32                   d. To evaluate actions of the Division of Marine Fisheries of the  
33                   Department of Environment and Natural Resources, the Wildlife  
34                   Resources Commission of the Department of Environment and  
35                   Natural Resources and of any other State or local government agency  
36                   as such actions relate to the seafood and aquaculture industries.
- 37                   e. To make recommendations regarding regulatory matters relating to  
38                   the seafood and aquaculture industries including, but not limited to  
39                   evaluating the necessity to substantially increase penalties for  
40                   trespass and theft of shellfish and other aquaculture products.
- 41                   f. To review and evaluate changes in federal law and regulations,  
42                   relevant court decisions, and changes in technology affecting the  
43                   seafood and aquaculture industries.
- 44                   g. To review existing and proposed State law and rules affecting the  
45                   seafood and aquaculture industries and to determine whether any  
46                   modification of law or rules is in the public interest."

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

48                   **"§ 120-76.1. Prior consultation with the ~~Commission~~Commission; reporting**  
49                   **requirements.**

50                   (a) Consultation by Governor. — Notwithstanding the provisions of G.S. 120-76(8) or  
51 any other provision of law requiring prior consultation by the Governor with the Commission,

1 whenever an expenditure is required because of an emergency that poses an imminent threat to  
2 public health or public safety, and is either the result of a natural event, such as a hurricane or a  
3 flood, or an accident, such as an explosion or a wreck, the Governor may take action without  
4 consulting the Commission if the action is determined by the Governor to be related to the  
5 emergency. The Governor shall report to the Commission on any expenditures made under this  
6 subsection no later than 30 days after making the expenditure and shall identify in the report the  
7 emergency, the type of action taken, and how it was related to the emergency.

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

18 (c) Exemptions. – Consultations regarding the establishment of new fees and charges  
19 and the increase of existing fees and charges are governed by G.S. 12-3.1, and this section does  
20 not apply to those consultations."  
21

## 22 JOINT REGULATORY REFORM COMMITTEE

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

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

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

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

- 30 (1) Hold meetings and receive input from the public, regulated community, and  
31 agencies regarding outdated, unnecessary, unduly burdensome, or vague  
32 rules and rule-making procedures that are an impediment to private sector  
33 job creation.
- 34 (2) Evaluate the reform suggestions presented during the public comment  
35 process and determine which warrant introduction and consideration during  
36 the 2011 Session of the General Assembly in 2011 or 2012.
- 37 (3) Review the rule-making process to determine if the procedures for adopting  
38 rules give adequate consideration to the potential impact on job creation.
- 39 (3a) Review rules to which the Rules Review Commission has objected to  
40 determine if statutory changes are needed to enable the agency to fulfill the  
41 intent of the General Assembly.
- 42 (3b) Receive reports prepared by the Rules Review Commission containing the  
43 text and a summary of each rule approved by the Commission.
- 44 (3c) Review the activities of State occupational licensing boards to determine if  
45 the boards are operating in accordance with statutory requirements and if the  
46 boards are still necessary to achieve the purposes for which they were  
47 created. This review shall not include decisions concerning board personnel  
48 matters or determinations on individual licensing applications or individual  
49 disciplinary actions.

- 1           (3d) Review State regulatory programs to determine if the programs overlap,
- 2           have conflicting goals, or could be simplified and still achieve the purpose of
- 3           the regulation.
- 4           (4) Report to the General Assembly concerning any recommendations for
- 5           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:

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

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

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

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

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

- 46           (1) Study the budget, programs, and policies of the Departments of Correction,
- 47           Crime Control and Public Safety, and Juvenile Justice and Delinquency
- 48           Prevention to determine ways in which the General Assembly may improve
- 49           the effectiveness of those ~~Departments;~~Departments.
- 50           (2) Examine the effectiveness of the Department of Correction in implementing
- 51           the public policy stated in G.S. 148-26 of providing work assignments and

- 1 employment for inmates as a means of reducing the cost of maintaining the  
2 inmate population while enabling inmates to acquire or retain skills and  
3 work habits needed to secure honest employment after their ~~release;~~release.
- 4 (2a) Examine the effectiveness of the Department of Crime Control and Public  
5 Safety in implementing the duties and responsibilities charged to the  
6 Department in G.S. 143B-474 and the overall effectiveness and efficiency of  
7 law enforcement in the ~~State;~~State.
- 8 (2b) Examine the effectiveness of the Department of Juvenile Justice and  
9 Delinquency Prevention in implementing the duties and responsibilities  
10 charged to the Department in Article 12 of Chapter 143B of the General  
11 Statutes and the overall effectiveness and efficiency of the juvenile justice  
12 system in the ~~State;~~ and State.
- 13 ~~(3) Study any other matters that the Committee considers necessary.~~
- 14 (3a) Study and evaluate the funding sources and needs of domestic violence  
15 programs providing services to domestic violence victims and programs  
16 providing treatment to domestic violence abusers.
- 17 (4) Study legal services funding for domestic violence victims and explore  
18 additional sources of funding.
- 19 (5) Explore sources of additional funding for all domestic violence programs,  
20 including visitation centers.
- 21 (6) Examine current programs and explore new programs to provide effective  
22 services to domestic violence victims and treatment to domestic violence  
23 abusers.
- 24 (7) Examine law enforcement and judicial responses to domestic violence.
- 25 (8) Review data collected on domestic violence cases pursuant to  
26 G.S. 15A-1382.1.
- 27 (9) Study the effectiveness of the Crime Victims Rights Act as it relates to  
28 domestic violence.
- 29 (10) Study the needs of juveniles. This study may include, but is not limited to:
- 30 a. Determining the adequacy and appropriateness of services:
- 31 1. To children and youth receiving child welfare services;
- 32 2. To children and youth in the juvenile court system;
- 33 3. Provided by the Division of Social Services and the  
34 Department of Juvenile Justice and Delinquency Prevention;
- 35 4. To children and youth served by the Mental Health,  
36 Developmental Disabilities, and Substance Abuse Services  
37 system.
- 38 b. Developing methods for identifying and providing services to  
39 children and youth not receiving but in need of child welfare  
40 services, children and youth at risk of entering the juvenile court  
41 system, and children and youth exposed to domestic violence  
42 situations.
- 43 c. Identifying obstacles to ensuring that children who are in secure or  
44 nonsecure custody are placed in safe and permanent homes within a  
45 reasonable period of time and recommending strategies for  
46 overcoming those obstacles. The Commission shall consider what, if  
47 anything, can be done to expedite the adjudication and appeal of  
48 abuse and neglect charges against parents so that decisions may be  
49 made about the safe and permanent placement of their children as  
50 quickly as possible.



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

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

7           (13) Study any other matter that the Committee considers necessary.

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

12        "**§ 120-70.95. Organization of Committee.**

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

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

22          (c) Members of the Committee receive subsistence and travel expenses as provided in  
23          G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance  
24          with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services  
25          Officer, shall assign professional staff to assist the Committee in its work. Upon the direction  
26          of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the  
27          House of Representatives shall assign clerical staff to the Committee. The expenses for clerical  
28          employees shall be borne by the Committee."  
29

30        **JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**

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

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

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

36        "**§ 120-70.80. Creation and membership of Joint Legislative Education Oversight**  
37        **Committee.**

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

40                (1) Eleven members of the Senate appointed by the President Pro Tempore of  
41                the Senate, at least ~~two~~three of whom are members of the minority party;  
42                and

43                (2) Eleven members of the House of Representatives appointed by the Speaker  
44                of the House of Representatives, at least three of whom are members of the  
45                minority party.

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

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

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

4 "**§ 120-70.81. Purpose and powers of Committee.**

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

- 9 (1) Study the budgets, programs, and policies of the Department of Public  
10 Instruction, the State Board of Education, the Community Colleges System  
11 Office, the Board of Governors of The University of North Carolina, and the  
12 constituent institutions of The University of North Carolina to determine  
13 ways in which the General Assembly may encourage the improvement of all  
14 education provided to North Carolinians and may aid in the development of  
15 more integrated methods of institutional accountability;
- 16 (2) Examine, in particular, the Basic Education Plan and the School  
17 Improvement and Accountability Act of 1989, to determine whether changes  
18 need to be built into the plans, whether implementation schedules need to be  
19 restructured, and how to manage the ongoing development of the policies  
20 underlying these legislative plans, including a determination of whether  
21 there is a need for the legislature to develop ongoing funding patterns for  
22 these plans;
- 23 (3) Study other states' educational initiatives in public schools, community  
24 colleges, and public universities, in order to provide an ongoing commentary  
25 to the General Assembly on these initiatives and to make recommendations  
26 for implementing similar initiatives in North Carolina; and
- 27 (4) Study any other educational matters that the Committee considers necessary  
28 to fulfill its mandate.
- 29 (5) Study the needs of children and youth. This study may include, but is not  
30 limited to:
- 31 a. Developing strategies for addressing the issues of school dropout,  
32 teen suicide, and adolescent pregnancy.
- 33 b. Identifying and evaluating the impact on children and youth of other  
34 economic and environmental issues.

35 (b) The Committee may make interim reports to the General Assembly on matters for  
36 which it may report to a regular session of the General Assembly. A report to the General  
37 Assembly may contain any legislation needed to implement a recommendation of the  
38 Committee."  
39

#### 40 **JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN** 41 **SERVICES**

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

- 45 (1) North Carolina Study Commission on Aging.  
46 (2) Joint Legislative Health Care Oversight Committee.  
47 (3) Joint Legislative Oversight Committee on Mental Health, Developmental  
48 Disabilities, and Substance Abuse Services.  
49 (4) Public Health Study Commission.

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

- 1 (1) G.S. 120-70.110 through G.S. 120-70.112 (Article 12M, pertaining to the  
2 Joint Legislative Health Care Oversight Committee).
- 3 (2) G.S. 120-180 through G.S. 120-188 (Article 21, pertaining to the North  
4 Carolina Study Commission on Aging).
- 5 (3) G.S. 120-195 through G.S. 120-203 (Article 22, pertaining to the Public  
6 Health Study Commission).
- 7 (4) G.S. 120-240 through G.S. 120-244 (Article 27, pertaining to the Joint  
8 Legislative Oversight Committee on Mental Health, Developmental  
9 Disabilities, and Substance Abuse Services).

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

12 "Article 23A.

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

14 **"§ 120-208. Creation and membership of Joint Legislative Oversight Committee on**  
15 **Health and Human Services.**

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

- 18 (1) Eleven members of the Senate appointed by the President Pro Tempore of  
19 the Senate, at least three of whom are members of the minority party; and
- 20 (2) Eleven members of the House of Representatives appointed by the Speaker  
21 of the House of Representatives, at least three of whom are members of the  
22 minority party.

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

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

30 **"§ 120-208.1. Purpose and powers of Committee.**

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

- 39 (1) Study the budgets, programs, and policies of each Division within the  
40 Department of Health and Human Services, to determine ways in which the  
41 General Assembly may encourage improvement in the budgeting and  
42 delivery of health and human services provided to North Carolinians.
- 43 (2) Examine, in particular, issues relating to services provided by the following  
44 Divisions within the Department of Health and Human Services:
  - 45 a. Aging and Adult Services.
  - 46 b. Medical Assistance.
  - 47 c. Mental Health, Developmental Disabilities, and Substance Abuse  
48 Services.
  - 49 d. Public Health.
  - 50 e. Social Services.

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

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

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

11 **"§ 120-208.2. Organization of Committee.**

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

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

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

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

31 **"§ 120-208.3. Additional powers.**

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

37 **"§ 120-208.4. Reports to Committee.**

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

43  
44 **JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE**

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

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

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

50 **"§ 120-70.50. Creation and membership of Joint Legislative Transportation Oversight**  
51 **Committee.**

1 The Joint Legislative Transportation Oversight Committee is established. The Committee  
2 consists of ~~18-22~~ members as follows:

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

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

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

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

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

- 18 (1) Review reports prepared by the Department of Transportation or any other  
19 agency of State government related, in any manner, to transportation, when  
20 those reports are required by any law.  
21 (2) Monitor the funds deposited in and expenditures from the North Carolina  
22 Highway Trust Fund, the Highway Fund, the General Fund, or any other  
23 fund when those expenditures are related, in any manner, to transportation.  
24 (3) Determine whether funds related, in any manner, to transportation are being  
25 spent in accordance with law.  
26 (4) Determine whether any revisions are needed in the funding for a program for  
27 which funds in the Trust Fund, the Highway Fund, the General Fund, or any  
28 other fund when those expenditures are related, in any manner, to  
29 transportation may be used, including revisions needed to meet any statutory  
30 timetable or program.  
31 (4a) Examine the importance of railroads and railroad infrastructure  
32 improvements to economic development in North Carolina, including  
33 improvements to short-line railroads.  
34 (4b) Study issues important to the future of passenger and freight rail service in  
35 North Carolina.  
36 (4c) Determine methods to expedite property disputes between railroads and  
37 private landowners.  
38 (4d) Study all aspects of the operation, structure, management, and long-range  
39 plans of the North Carolina Railroad.  
40 (5) Report to the General Assembly at the beginning of each regular session  
41 concerning its determinations of needed changes in the funding or operation  
42 of programs related, in any manner, to transportation."  
43

#### 44 **JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT**

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

47 "Article 20.

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

49 "Part 1. Organization.

50 **"§ 120-157.1. Committee established.**

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

3           (1)   Seven members of the Senate appointed by the President Pro Tempore of the  
4 Senate, at least two of whom shall be members of the minority party. At  
5 least one member shall be a former city or county commissioner, city or  
6 county manager, or other city or county elected official.

7           (2)   Seven members of the House of Representatives appointed by the Speaker of  
8 the House of Representatives, at least two of whom shall be members of the  
9 minority party. At least one member shall be a former city or county  
10 commissioner, city or county manager, or other city or county elected  
11 official.

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

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

19 **"§ 120-157.2. Purpose and powers of Committee.**

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

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

33 **"§ 120-157.3. Organization of Committee.**

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

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

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

50 **"§ 120-157.4. Additional powers.**

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

6 **"§ 120-158. ~~Creation of Commission.~~Municipal Incorporations Subcommittee.**

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

10        (b) ~~The Commission Subcommittee shall consist of six members, appointed as follows:~~

- 11            (1) ~~Two~~Three Senators appointed by the President Pro Tempore of the  
 12 ~~Senate;~~Senate, at least one of whom shall be a former city or county  
 13 commissioner, city or county manager, or other local elected official.  
 14            (2) ~~Two~~Three House members appointed by the ~~Speaker;~~Speaker of the House  
 15 of Representatives, at least one of whom shall be a former city or county  
 16 commissioner, city or county manager, or other local elected official.  
 17            (3) ~~One city manager or elected city official, appointed by the President Pro~~  
 18 ~~Tempore of the Senate from a list of three eligible persons nominated by the~~  
 19 ~~North Carolina League of Municipalities; and~~  
 20            (4) ~~One county commissioner or county manager, appointed by the Speaker~~  
 21 ~~from a list of three eligible persons nominated by the North Carolina~~  
 22 ~~Association of County Commissioners.~~

23 **"§ 120-159. ~~Terms.~~Terms; meetings.**

24        (a) Members shall be appointed for terms ending June 30, 1987, and subsequently for  
 25 two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when  
 26 appointed may continue for the remainder of the term regardless of the member's continued  
 27 eligibility for the category. The ~~Commission~~Municipal Incorporations Subcommittee shall  
 28 elect a ~~chairman~~ chair from its membership for a one-year term.

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

32 **"§ 120-160. ~~Compensation.~~**

33        ~~Members of the Commission who are members of the General Assembly shall receive~~  
 34 ~~subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers~~  
 35 ~~or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All~~  
 36 ~~other members shall receive per diem, subsistence, and travel allowances as provided by~~  
 37 ~~G.S. 138-5.~~

38 **"§ 120-161. ~~Facilities and staff.~~**

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

46 **JOINT LEGISLATIVE ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE**

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

48 **"§ 120-70.130. Creation and membership of Joint Legislative Economic Development**  
 49 **Oversight Committee.**

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

- 1           (1) ~~Six-Eleven~~ members of the Senate appointed by the President Pro Tempore  
2           of the ~~Senate;Senate~~, at least three of whom are members of the minority  
3           party; and  
4           (2) ~~Six-Eleven~~ members of the House of Representatives appointed by the  
5           Speaker of the House of ~~Representatives.Representatives~~, at least three of  
6           whom are 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 2007 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 a successor is appointed. A vacancy shall be filled by the  
14          officer who made the original appointment."

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

16          "**§ 120-70.131. Purpose and powers of Committee.**

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

- 22                (1)       Study the budgets, programs, and policies of the Department of Commerce,  
23                the North Carolina Partnership for Economic Development, and other State,  
24                regional, and local entities involved in economic development.  
25                (2)       Analyze legislation from other states regarding economic development.  
26                (3)       Analyze proposals produced by the Economic Development Board.  
27                (3a)      Request the Department of Commerce to provide an annual report by  
28                January 15 of each year on the effectiveness of the following economic  
29                development programs:  
30                a.       Job Development Investment Grant Program (JDIG).  
31                b.       One North Carolina.  
32                c.       Article 3J Credits.  
33                d.       Job Maintenance and Capital Development Fund (JMAC).  
34                (4)       Study any other matters that the Committee considers necessary to fulfill its  
35                mandate.

36          (b)       The Committee may make interim reports to the General Assembly on matters for  
37          which it may report to a regular session of the General Assembly. A report to the General  
38          Assembly may contain any legislation needed to implement a recommendation of the  
39          Committee."

#### 40                **ENVIRONMENTAL REVIEW COMMISSION**

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

42          "**§ 120-70.42. Membership; cochair; vacancies; quorum.**

43          (a)       The Environmental Review Commission shall consist of six Senators appointed by  
44          the President Pro Tempore of the Senate, six Representatives appointed by the Speaker of the  
45          House of Representatives, who shall serve at the pleasure of their appointing officer, the Chair  
46          or a Cochair of the Senate Committee on Agriculture, Environment, and Natural Resources or  
47          the equivalent committee, the Chair or a Cochair of the House of Representatives Committee  
48          on Environment and Natural Resources or the equivalent committee, the Chair or a Cochair of  
49          the Senate Committee on Appropriations – Natural and Economic Resources or the equivalent  
50



1 committee, and the Chair or a Cochair of the House of Representatives Committee on  
2 Appropriations – Natural and Economic Resources or the equivalent committee.

3 (b) The President Pro Tempore of the Senate shall designate one or more Senators and  
4 the Speaker of the House of Representatives shall designate one or more Representatives to  
5 serve as cochairs.

6 (c) Except as otherwise provided in this subsection, a member of the Commission shall  
7 continue to serve for so long as the member remains a member of the General Assembly and no  
8 successor has been appointed. A member of the Commission who does not seek reelection or is  
9 not reelected to the General Assembly may complete a term of service on the Commission until  
10 the day on which a new General Assembly convenes. A member of the Commission who  
11 resigns or is removed from service in the General Assembly shall be deemed to have resigned  
12 or been removed from service on the Commission. Any vacancy that occurs on the  
13 Environmental Review Commission shall be filled in the same manner as the original  
14 appointment.

15 (d) A quorum of the Environmental Review Commission shall consist of ~~nine~~seven  
16 members."

## 17 18 **PART II. CONFORMING CHANGES**

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

20 "**§ 7A-346.3. Impaired driving integrated data system report.**

21 The information compiled by G.S. 7A-109.2 shall be maintained in an Administrative  
22 Office of the Courts database. By March 1, the Administrative Office of the Courts shall  
23 provide an annual report of the previous calendar year to the Joint Legislative Commission on  
24 Governmental Operations and the Joint Legislative ~~Corrections, Crime Control, and Juvenile~~  
25 ~~Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety. The annual  
26 report shall show the types of dispositions for the entire State by county, by judge, by  
27 prosecutor, and by defense attorney. This report shall also include the amount of fines, costs,  
28 and fees ordered at the disposition of the charge, the amount of any subsequent reduction,  
29 amount collected, and the amount still owed, and compliance with sanctions of community  
30 service, jail, substance abuse assessment, treatment, and education. The Administrative Office  
31 of the Courts shall facilitate public access to the information collected under this section by  
32 posting this information on the court's Internet page in a manner accessible to the public and  
33 shall make reports of any information collected under this section available to the public upon  
34 request and without charge."

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

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

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

45 "**§ 15A-266.5. Tests to be performed on DNA sample.**

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

- 47 (1) To analyze and type only the genetic markers that are used for identification  
48 purposes contained in or derived from the DNA.
- 49 (2) For law enforcement identification purposes.
- 50 (3) For research and administrative purposes, including:

- 1 a. Development of a population database when personal identifying  
2 information is removed.
- 3 b. To support identification research and protocol development of  
4 forensic DNA analysis methods.
- 5 c. For quality control purposes.
- 6 d. To assist in the recovery or identification of human remains from  
7 mass disasters or for other humanitarian purposes, including  
8 identification of missing persons.

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

12 (c) The SBI shall report annually to the Joint Legislative Commission on Governmental  
13 Operations and to the Joint Legislative ~~Corrections, Crime Control and Juvenile Justice~~  
14 ~~Oversight Committee, Oversight Committee on Justice and Public Safety,~~ on or before February  
15 1, with information for the previous calendar year, which shall include: a summary of the  
16 operations and expenditures relating to the DNA Database and DNA Databank; the number of  
17 DNA records from arrestees entered; the number of DNA records from arrestees that have been  
18 expunged; and the number of DNA arrestee matches or hits that occurred with an unknown  
19 sample, and how many of those have led to an arrest and conviction; and how many letters  
20 notifying defendants that a record and sample have been expunged, along with the number of  
21 days it took to complete the expunction and notification process, from the date of the receipt of  
22 the verification form from the State.

23 (d) The Department of Justice, in consultation with the Administrative Office of the  
24 Courts and the Conference of District Attorneys, shall study, develop, and recommend an  
25 automated procedure to facilitate the process of expunging DNA samples and records taken  
26 pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on  
27 Governmental Operations, the Joint Legislative ~~Corrections, Crime Control and Juvenile~~  
28 ~~Justice Oversight Committee, Oversight Committee on Justice and Public Safety,~~ and the  
29 Courts Commission, on or before February 1, 2011."

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

31 **"§ 15A-1475. Reports.**

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

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

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

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

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

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

1 **"§ 58-50-95. Report by Commissioner.**

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

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

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

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

18 "(a) There is established in the Commission the office of executive director, whose  
19 salary and longevity pay shall be the same as that fixed for members of the Commission.  
20 "Service" for purposes of longevity pay means service as executive director of the public staff.  
21 The executive director shall be appointed by the Governor subject to confirmation by the  
22 General Assembly by joint resolution. The name of the executive director appointed by the  
23 Governor shall be submitted to the General Assembly on or before May 1 of the year in which  
24 the term of his office begins. The term of office for the executive director shall be six years,  
25 and the initial term shall begin July 1, 1977. The executive director may be removed from  
26 office by the Governor in the event of his incapacity to serve; and the executive director shall  
27 be removed from office by the Governor upon the affirmative recommendation of a majority of  
28 the Commission, after consultation with the Joint Legislative ~~Utility-Review~~  
29 Committee Commission on Governmental Operations of the General Assembly. In case of a  
30 vacancy in the office of executive director for any reason prior to the expiration of his term of  
31 office, the name of his successor shall be submitted by the Governor to the General Assembly,  
32 not later than four weeks after the vacancy arises. If a vacancy arises in the office when the  
33 General Assembly is not in session, the executive director shall be appointed by the Governor  
34 to serve on an interim basis pending confirmation by the General Assembly."

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

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

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

48 "(c) Within 180 days after all local distribution companies have filed their initial or  
49 biennial update reports, the Commission and the Public Staff shall independently provide  
50 analyses and summaries of those reports, together with status reports of natural gas service in

1 the State, to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental  
2 Operations."

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

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

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

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

- 19 (1) An analysis of telecommunications competition by the local exchange  
20 company or competing local provider, including access line gain or loss and  
21 the impact on consumer choices from enactment of the Consumer Choice  
22 and Investment Act of 2009.
- 23 (2) An analysis of service quality based on customer satisfaction studies from  
24 enactment of the Consumer Choice and Investment Act of 2009.
- 25 (3) An analysis of the level of local exchange rates from enactment of the  
26 Consumer Choice and Investment Act of 2009."

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

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

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

37 "(i) The Commission shall submit to the Governor and to the Joint Legislative ~~Utility~~  
38 ~~Review Committee~~Commission on Governmental Operations a summary of the proceedings  
39 conducted pursuant to this section during the preceding two fiscal years on or before September  
40 1 of odd-numbered years."

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

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

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

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

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

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

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

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

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

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

- 24       (1) The address of the board, and the names of its members and officers.
- 25       (2) The number of persons who applied to the board for examination.
- 26       (3) The number who were refused examination.
- 27       (4) The number who took the examination.
- 28       (5) The number to whom initial licenses were issued.
- 29       (6) The number who applied for license by reciprocity or comity.
- 30       (7) The number who were granted licenses by reciprocity or comity.
- 31       (7a) The number of official complaints received involving licensed and  
32 unlicensed activities.
- 33       (7b) The number of disciplinary actions taken against licensees, or other actions  
34 taken against nonlicensees, including injunctive relief.
- 35       (8) The number of licenses suspended or revoked.
- 36       (9) The number of licenses terminated for any reason other than failure to pay  
37 the required renewal fee.
- 38       (10) The substance of any anticipated request by the occupational licensing board  
39 to the General Assembly to amend statutes related to the occupational  
40 licensing board.
- 41       (11) The substance of any anticipated change in rules adopted by the  
42 occupational licensing board or the substance of any anticipated adoption of  
43 new rules by the occupational licensing board."

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

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

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

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

- 9           (1) All activities the Department of Labor has sponsored or participated in for  
10 the purpose of educating employers about their responsibilities under the  
11 Wage and Hour Act.
- 12           (2) The total number of complaints received by the Department of Labor  
13 alleging youth employment violations under the Wage and Hour Act, or any  
14 regulations issued under the Wage and Hour Act, or both.
- 15           (3) The specific types of youth employment violations alleged and the ages of  
16 the youths referenced in the complaints received by the Department of  
17 Labor.
- 18           (4) The total number of investigations conducted by the Department of Labor  
19 concerning alleged youth employment violations, the length of the  
20 investigations, and the number of investigators assigned to conduct the  
21 investigations. For purposes of this subdivision, the Commissioner shall  
22 provide a separate analysis of (i) investigations initiated by the Department  
23 in response to a complaint, (ii) investigations initiated by the Department in  
24 the absence of a complaint, and (iii) alleged record-keeping violations  
25 pertaining to youth employment.
- 26           (5) The total number of administrative proceedings involving youth employment  
27 violations.
- 28           (6) The total number and identity of employers cited for youth employment  
29 violations and the industries or occupations that received the greatest and the  
30 least number of complaints alleging youth employment violations.
- 31           (7) The total number and dollar amount of civil penalties assessed pursuant to  
32 G.S. 95-25.23 and the total number and dollar amount of civil penalties  
33 actually collected pursuant to that section. For purposes of this subdivision,  
34 the Commissioner shall provide a detailed, itemized list of each civil penalty  
35 represented in the total number and dollar amounts reported pursuant to this  
36 subdivision and indicate whether each civil penalty is the result of a  
37 complaint.
- 38           (8) The total number and dollar amount of civil penalties assessed pursuant to  
39 G.S. 95-25.23A and the total number and dollar amount of civil penalties  
40 actually collected pursuant to that section. For purposes of this subdivision,  
41 the Commissioner shall provide a detailed, itemized list of each civil penalty  
42 represented in the total number and dollar amounts reported pursuant to this  
43 subdivision and indicate whether each civil penalty is the result of a  
44 complaint.
- 45           (9) An explanation of any obstacles that prevented the Department of Labor  
46 from enforcing any provision of the Wage and Hour Act as it pertains to  
47 youth employment, any recommended changes to the Wage and Hour Act to  
48 strengthen the Department of Labor's oversight and enforcement of youth  
49 employment laws and regulations in this State, and any other information  
50 related to the Department of Labor's enhanced enforcement of the State's  
51 youth employment laws and regulations.

- 1 (10) Recommendations about the funding needed by the Department to (i)  
2 eliminate any identified obstacles to enforcement of youth employment laws  
3 and regulations and (ii) effectively implement any recommended changes."

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

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

- 7 (1) The amount approved by the Health Care Financing Administration of the  
8 United States Department of Health and Human Services, if that  
9 Administration approves an exact reimbursement amount;  
10 (2) The amount determined by application of a method approved by the Health  
11 Care Financing Administration of the United States Department of Health  
12 and Human Services, if that Administration approves the method by which a  
13 reimbursement amount is determined, and not the exact amount.

14 The Department shall establish the methods by which reimbursement amounts are  
15 determined in accordance with Chapter 150B of the General Statutes. A change in a  
16 reimbursement amount becomes effective as of the date for which the change is approved by  
17 the Health Care Financing Administration of the United States Department of Health and  
18 Human Services. The Department shall report to the Fiscal Research Division of the Legislative  
19 Services Office and to the Senate Appropriations Committee on Human Resources and the  
20 House of Representatives Appropriations Subcommittee on Human Resources or the Joint  
21 ~~Legislative Commission on Health Care Oversight~~ Committee on Health and Human Services  
22 on any change in a reimbursement amount at the same time as it sends out public notice of this  
23 change prior to presentation to the Health Care Financing Administration."

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

25 **"§ 108A-70.25. State Plan for Health Insurance Program for Children.**

26 The Department shall develop and submit a State Plan to implement "The Health Insurance  
27 Program for Children" authorized under this Part to the federal government as application for  
28 federal funds under Title XXI. The State Plan submitted under this Part shall be developed by  
29 the Department only as authorized by and in accordance with this Part. No provision in the  
30 State Plan submitted under this Part may expand or otherwise alter the scope or purpose of the  
31 Program from that authorized under this Part. The Department shall include in the State Plan  
32 submitted only those items required by this Part and required by the federal government to  
33 qualify for federal funds under Title XXI and necessary to secure the State's federal fund  
34 allotment for the applicable fiscal period. Except as otherwise provided in this section, the  
35 Department shall not amend the State Plan nor submit any amendments thereto to the federal  
36 government for review or approval without the specific approval of the General Assembly. In  
37 the event federal law requires that an amendment be made to the State Plan and further requires  
38 that the amendment be submitted or implemented within a time period when the General  
39 Assembly is not and will not be in session to approve the amendment, then the Department may  
40 submit the amendment to the federal government for review and approval without the approval  
41 of the General Assembly. Prior to submitting an amendment to the federal government without  
42 General Assembly approval as authorized in this section, the Department shall report the  
43 proposed amendment to the Joint Legislative ~~Health Care Oversight~~ Committee on Health and  
44 Human Services and to members of the Joint Appropriations Subcommittee on Health and  
45 Human Services. The report shall include an explanation of the amendment, the necessity  
46 therefor, and the federal time limits required for implementation of the amendment."

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

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

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

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

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

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

23 **"§ 113-175.6. Report.**

24 The Chair of the Marine Fisheries Commission and the Chair of the Wildlife Resources  
25 Commission shall jointly submit to the Joint Legislative Commission on ~~Seafood and~~  
26 ~~Aquaculture~~ Governmental Operations by October 1 of each year a report on the Marine  
27 Resources Fund and the Endowment Fund that shall include the source and amounts of all  
28 moneys credited to each fund and the purpose and amount of all disbursements from each fund  
29 during the prior fiscal year."

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

31 "(c1) The Department shall consult with the regional advisory committees established  
32 pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan.  
33 Before submission of a plan for review by the Joint Legislative Commission on ~~Seafood and~~  
34 ~~Aquaculture~~ Governmental Operations, the Department shall review any comment or  
35 recommendation regarding the plan that a regional advisory committee submits to the  
36 Department within the time limits established in the Schedule for the development and  
37 adoption of Fishery Management Plans established by G.S. 143B-289.52. Before the  
38 Commission adopts a management measure to implement a plan, the Commission shall review  
39 any comment or recommendation regarding the management measure that a regional advisory  
40 committee submits to the Commission."

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

42 "(e) The Secretary of Environment and Natural Resources shall monitor progress in the  
43 development and adoption of Fishery Management Plans in relation to the Schedule for  
44 development and adoption of the plans established by the Marine Fisheries Commission. The  
45 Secretary of Environment and Natural Resources shall report to the Joint Legislative  
46 Commission on ~~Seafood and Aquaculture~~ Governmental Operations on progress in developing  
47 and implementing the Fishery Management Plans on or before 1 September of each year. The  
48 Secretary of Environment and Natural Resources shall report to the Joint Legislative  
49 Commission on Seafood and Aquaculture within 30 days of the completion or substantial  
50 revision of each proposed Fishery Management Plan. The Joint Legislative Commission on  
51 ~~Seafood and Aquaculture~~ Governmental Operations shall review each proposed Fishery



1 Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary.  
2 The Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations may  
3 submit comments and recommendations on the proposed Plan to the Secretary within 30 days  
4 of the date the proposed Plan is submitted by the Secretary."

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

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

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

11 "(8) To undertake such additional studies as it deems appropriate or as may from  
12 time to time be requested by the President Pro Tempore of the Senate, the  
13 Speaker of the House of Representatives, either house of the General  
14 Assembly, the Legislative Research Commission, the Joint Legislative  
15 Commission on Governmental Operations, or the Environmental Review  
16 Commission, ~~or the Joint Legislative Utility Review Committee,~~ and to  
17 make such reports and recommendations to the General Assembly regarding  
18 such studies as it deems appropriate."

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

20 "(7) To undertake such additional studies as it deems appropriate or as may from  
21 time to time be requested by the President Pro Tempore of the Senate, the  
22 Speaker of the House of Representatives, either house of the General  
23 Assembly, the Legislative Research Commission, or the Joint Legislative  
24 Commission on Governmental Operations, ~~the Joint Legislative Utility  
25 Review Committee, or the Joint Select Committee on Low-Level  
26 Radioactive Waste Operations~~ and to make such reports and  
27 recommendations to the General Assembly regarding such studies as it  
28 deems appropriate; provided that the Environmental Review Commission  
29 shall not undertake any study which the General Assembly has assigned to  
30 another legislative commission or committee."

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

32 **"§ 120-163. Petition.**

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

40 ...

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

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

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

48 **"§ 120-164. Notification.**

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

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

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

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

13 **"§ 120-165. Initial inquiry.**

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

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

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

22 **"§ 120-166. Additional criteria; nearness to another municipality.**

23 (a) The ~~Commission-Municipal Incorporations Subcommittee~~ may not make a positive  
24 recommendation if the proposed municipality is located within one mile of a municipality of  
25 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a  
26 municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over,  
27 according to the most recent decennial federal census, or according to the most recent annual  
28 estimate of the Office of State Budget and Management if the municipality was incorporated  
29 since the return of that census. For purposes of this section, "municipality" means a city as  
30 defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of  
31 Chapter 153A of the General Statutes.

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

- 34 (1) The proposed municipality is entirely on an island that the nearby city is not  
35 on;  
36 (2) The proposed municipality is separated by a major river or other natural  
37 barrier from the nearby city, such that provision of municipal services by the  
38 nearby city to the proposed municipality is infeasible or the cost is  
39 prohibitive, and the ~~Commission-Municipal Incorporations Subcommittee~~  
40 shall adopt policies to implement this subdivision;  
41 (3) The municipalities within the distances described in subsection (a) of this  
42 section by resolution express their approval of the incorporation; or  
43 (4) An area of at least fifty percent (50%) of the proposed municipality has  
44 petitioned for annexation to the nearby city under G.S. 160A-31 within the  
45 previous 12 months before the incorporation petition is submitted to the  
46 ~~Commission-Municipal Incorporations Subcommittee~~ but the annexation  
47 petition was not approved."

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

49 **"§ 120-168. Additional criteria; development.**

50 The ~~Commission-Municipal Incorporations Subcommittee~~ may not make a positive  
51 recommendation unless forty percent (40%) of the area is developed for residential,

1 commercial, industrial, institutional, or governmental uses, or is dedicated as open space under  
2 the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit,  
3 or recorded restrictive covenants."

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

5 **"§ 120-169. Additional criteria; area unincorporated.**

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

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

12 **"§ 120-169.1. Additional criteria; level of development, services; financial impact on  
13 other local governments.**

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

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

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

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

24 "(c) The Task Force shall report at least annually to the Commission or more  
25 frequently at the request of the cochairs of the Commission, and shall also  
26 report on April 1 of each year to the House of Representatives  
27 Appropriations Subcommittee on Health and Human Services, the Senate  
28 Appropriations Committee on Health and Human Services, the Joint  
29 Legislative Oversight Committee on ~~Mental Health, Developmental  
30 Disabilities, and Substance Abuse~~ Health and Human Services, and the Fiscal  
31 Research Division."

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

33 **"§ 122C-5. Report on restraint and seclusion.**

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

- 37 (1) The level of compliance of each facility with applicable State and federal  
38 laws, rules, and regulations governing the use of restraints and seclusion.  
39 The information shall indicate areas of highest and lowest levels of  
40 compliance.
- 41 (2) The total number of facilities that reported deaths under G.S. 122C-31, the  
42 number of deaths reported by each facility, the number of deaths  
43 investigated pursuant to G.S. 122C-31, and the number found by the  
44 investigation to be related to the use of restraint or seclusion."

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

46 "(11) Submit a report annually to the Secretary, the Joint Legislative Oversight  
47 Committee on ~~Mental Health, Developmental Disabilities, and Substance  
48 Abuse~~ Health and Human Services, and the Joint Legislative Health Care  
49 Oversight Committee containing data and findings regarding the types of  
50 problems experienced and complaints reported by or on behalf of providers,  
51 consumers, and employees of providers, as well as recommendations to

1 resolve identified issues and to improve the administration of MH/DD/SA  
2 facilities and the delivery of MH/DD/SA services throughout the State."

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

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

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

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

- 14 a. Notify the Joint Legislative Commission on Governmental  
15 Operations, the Joint Legislative Oversight Committee on ~~Mental~~  
16 ~~Health, Developmental Disabilities, and Substance Abuse~~Health and  
17 Human Services, and members of the General Assembly who  
18 represent catchment areas affected by the closure; and
- 19 b. Present a plan for the closure to the members of the Joint Legislative  
20 Oversight Committee on ~~Mental Health, Developmental Disabilities,~~  
21 ~~and Substance Abuse~~Health and Human Services, the House of  
22 Representatives Appropriations Subcommittee on Health and Human  
23 Services, and the Senate Appropriations Committee on Health and  
24 Human Services for their review, advice, and recommendations. The  
25 plan shall address specifically how patients will be cared for after  
26 closure, how support services to community-based agencies and  
27 outreach services will be continued, and the impact on remaining  
28 State facilities. In implementing the plan, the Secretary shall take into  
29 consideration the comments and recommendations of the committees  
30 to which the plan is presented under this subdivision."

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

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

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

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

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

49 "(b) The Secretary of Health and Human Services may approve only one request under  
50 subsection (a) of this section, this section being designed as a pilot program concerning  
51 alternative qualifications for a local health director. The Secretary of Health and Human

1 Services shall report any approval under this section to the ~~Public Health Study~~  
2 ~~Commission~~ Joint Legislative Oversight Committee on Health and Human Services."

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

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

8 (1) The level of compliance of each adult care home with applicable State law  
9 and rules governing the use of physical restraint and physical hold of  
10 residents. The information shall indicate areas of highest and lowest levels of  
11 compliance.

12 (2) The total number of adult care homes that reported deaths under  
13 G.S. 131D-34.1, the number of deaths reported by each facility, the number  
14 of deaths investigated pursuant to G.S. 131D-34.1, and the number found by  
15 the investigation to be related to the adult care home's use of physical  
16 restraint or physical hold."

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

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

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

26 "**§ 131E-314. Division Reporting.**

27 The Division of Medical Assistance of the Department of Health and Human Services shall  
28 report quarterly to the Joint Legislative ~~Health Care Oversight Committee~~ on Health and  
29 Human Services on its regulatory activities in the enforcement of this ~~aet~~ Article and shall  
30 provide the Committee with a summary of nonconfidential information on the financial plans  
31 and operations of PSOs. The report to the Committee shall include a description and  
32 explanation of any regulations or regulatory interpretations that differ from Department of  
33 Insurance regulations applicable to HMOs. The report shall also include PSO efforts to improve  
34 community health status. The Division shall develop processes or methods to measure  
35 improvements in health outcomes for Medicare beneficiaries served by managed care  
36 organizations and shall report quarterly to the Joint Legislative ~~Health Care Oversight~~  
37 ~~Committee~~ on Health and Human Services on the development of these standards."

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

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

44 (1) The Legislative Research Commission;

45 (2) The Legislative Services Commission;

46 (3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and  
47 applicable to the budget for the 2007-2009 biennium and each subsequent  
48 biennium thereafter;

49 (4) ~~The Joint Legislative Utility Review Committee;~~

50 (5) The Joint Legislative Commission on Governmental Operations;

- 1 (6) The Joint Legislative Commission on ~~Municipal Incorporations;~~Local  
2 Government;  
3 (7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.  
4 ~~(8) The Joint Select Committee on Low Level Radioactive Waste;~~  
5 (9) The Environmental Review Commission;  
6 (10) The Joint Legislative Transportation Oversight Committee;  
7 (11) The Joint Legislative Education Oversight Committee;  
8 ~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~  
9 (13) The Commission on Children with Special Needs;  
10 ~~(14) The Legislative Committee on New Licensing Boards;~~  
11 (15) The Agriculture and Forestry Awareness Study Commission; and  
12 ~~(16) The North Carolina Study Commission on Aging; and~~  
13 (17) The standing Committees on Pensions and Retirement."

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

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

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

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

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

28 "(f) The Secretary of Environment and Natural Resources shall report to the  
29 Environmental Review Commission and the Joint Legislative Commission on Seafood and  
30 Aquaculture within 30 days of the completion or substantial revision of each draft Coastal  
31 Habitat Protection Plan. The Environmental Review Commission and the Joint Legislative  
32 Commission on ~~Seafood and Aquaculture~~Governmental Operations shall concurrently review  
33 each draft Coastal Habitat Protection Plan within 30 days of the date the draft Plan is submitted  
34 by the Secretary. The Environmental Review Commission and the Joint Legislative  
35 Commission on ~~Seafood and Aquaculture~~Governmental Operations may submit comments and  
36 recommendations on the draft Plan to the Secretary within 30 days of the date the draft Plan is  
37 submitted by the Secretary."

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

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

- 42 (1) The victim or victims of the crime for which the sentence was imposed;  
43 (2) The victims' spouse, children, and parents;  
44 (3) Any other members of the victims' family who request in writing to be  
45 notified; and  
46 (4) The Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile~~  
47 ~~Justice Oversight Committee.~~Oversight Committee on Justice and Public  
48 Safety."

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

50 "(a) The chair of the Commission shall report each year by November 1 to the Joint  
51 Legislative Commission on Governmental Operations and to the chairs of the Joint Legislative

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

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

12 "(c) In addition to the authority contained in subsections (a) and (b) of this section, and  
13 in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction  
14 may enter into contracts with any public entity or any private nonprofit or for-profit firms for  
15 the confinement and care of State prisoners in any out-of-state correctional facility when to do  
16 so would most economically and effectively promote the purposes served by the Department of  
17 Correction. Contracts entered into under the authority of this subsection shall be for a period  
18 not to exceed two years and shall be renewable from time to time for a period not to exceed two  
19 years. Prisoners may be sent to out-of-state correctional facilities only when there are no  
20 available facilities in this State within the State prison system to appropriately house those  
21 prisoners. Any contract made under the authority of this subsection shall be approved by the  
22 Department of Administration before the contract is executed. Before expending more than the  
23 amount specifically appropriated by the General Assembly for the out-of-state housing of  
24 inmates, the Department shall obtain the approval of the Joint Legislative Commission on  
25 Governmental Operations and shall report such expenditures to the Chairs of the Senate and  
26 House Appropriations Committees, the Chairs of the Senate and House Appropriations  
27 Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative  
28 ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee  
29 on Justice and Public Safety."

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

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

40 Contracts entered under the authority of this subsection shall be for a period not to exceed  
41 10 years, shall be renewable from time to time for a period not to exceed 10 years. The  
42 Secretary of Correction shall enter contracts under this subsection only if funds are  
43 appropriated for this purpose by the General Assembly. Contracts entered under the authority  
44 of this subsection may be subject to any requirements for the location of the confinement  
45 facilities set forth by the General Assembly in appropriating those funds.

46 Once the Department has made a determination to contract for additional private prison  
47 beds, it shall issue a request for proposals within 30 days of the decision. The request for  
48 proposals shall require bids to be submitted within two months, and the Department shall award  
49 contracts at the earliest practicable date after the submission of bids. The Secretary of  
50 Correction, in consultation with the Chairs of the Joint Legislative ~~Corrections, Crime Control,~~  
51 ~~and Juvenile Justice Oversight Committee~~ on Justice and Public Safety and the Chairs of the

1 House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make  
2 recommendations to the State Purchasing Officer on the final award decision. The State  
3 Purchasing Officer shall make the final award decision, and the contract shall then be subject to  
4 the approval of the Council of State after consultation with the Joint Legislative Commission  
5 on Governmental Operations.

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

17 Prisoners housed in private confinement facilities pursuant to this subsection shall remain  
18 subject to the rules adopted for the conduct of persons committed to the State prison system.  
19 The Secretary of Correction may review and approve the design and construction of private  
20 confinement facilities before housing State prisoners in these facilities. The rules regarding  
21 good time, gain time, and earned credits, discipline, classification, extension of the limits of  
22 confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates  
23 housed in private confinement facilities pursuant to this subsection. The operators of private  
24 confinement facilities may adopt any other rules as may be necessary for the operation of those  
25 facilities with the written approval of the Secretary of Correction. Custodial officials employed  
26 by a private confinement facility are agents of the Secretary of Correction and may use those  
27 procedures for use of force authorized by the Secretary of Correction to defend themselves, to  
28 enforce the observance of discipline in compliance with confinement facility rules, to secure  
29 the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ  
30 inmate disciplinary and grievance policies of the North Carolina Department of Correction."

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

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

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

41 "**§ 150B-21.11. Procedure when Commission approves permanent rule.**

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

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

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



1       "(d) Return of Rule. – A rule to which the Commission has objected remains under  
2 review by the Commission until the agency that adopted the rule decides not to satisfy the  
3 Commission's objection and makes a written request to the Commission to return the rule to the  
4 agency. When the Commission returns a rule to which it has objected, it must notify the  
5 Codifier of Rules of its action and must send a copy of the record of the Commission's review  
6 of the rule to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform  
7 Committee in its next report to that Committee. If the rule that is returned would have increased  
8 or decreased expenditures or revenues of a unit of local government, the Commission must also  
9 notify the Governor of its action and must send a copy of the record of the Commission's  
10 review of the rule to the Governor. The record of review consists of the rule, the Commission's  
11 letter of objection to the rule, the agency's written response to the Commission's letter, and any  
12 other relevant documents before the Commission when it decided to object to the rule."

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

14       "**§ 150B-21.16. Report to Joint ~~Legislative Administrative Procedure Oversight~~**  
15       **Committee~~Regulatory Reform Committee.~~**

16       The Commission must make monthly reports to the Joint ~~Legislative Administrative~~  
17 ~~Procedure Oversight~~Regulatory Reform Committee. The reports are due by the last day of the  
18 month. A report must include the rules approved by the Commission at its meeting held in the  
19 month in which the report is due and the rules the Commission returned to agencies during that  
20 month after the Commission objected to the rule. A report must include any other information  
21 requested by the Joint Legislative Administrative Procedure Oversight Committee. When the  
22 Commission sends a report to the Joint ~~Legislative Administrative Procedure~~  
23 ~~Oversight~~Regulatory Reform Committee, the Commission must send a copy of the report to the  
24 Codifier of Rules."

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

26       "**§ 159B-30.1. Additional reports.**

27       Beginning March 1, 1996, and annually thereafter, each joint agency operating under the  
28 authority of Chapter 159B of the General Statutes shall file a report with the Joint Legislative  
29 ~~Utility Review Committee~~Commission on Governmental Operations describing the activities of  
30 the joint agency carried out pursuant to the authority granted by G.S. 159B-2, 159B-11(19b),  
31 159B-12 and 159B-17(c). The report shall cover the preceding calendar year. Each joint agency  
32 shall file such additional reports as the Joint Legislative ~~Utility Review Committee~~Commission  
33 on Governmental Operations shall request."

### 34 35 **PART III. EFFECTIVE DATE**

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