

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 290

Short Title: GPAC/General Assembly.

(Public)

Sponsors: (by request) Representatives Blue, Barnes, Diamont, Hackney, Hensley, H. Hunter, G. Miller, Nesbitt, and Robinson.

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

February 25, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNMENT
PERFORMANCE AUDIT COMMITTEE REGARDING THE GENERAL
ASSEMBLY.

The General Assembly of North Carolina enacts:

—G. A. HUMAN RESOURCES MANAGEMENT.

Section 1. (a) G.S. 120-36 reads as rewritten:

"§ 120-36. ~~Legislative Services Officer of the General Assembly.~~ Officer; Human Resources Management Officer; appointment; duties.

(a) The Legislative Services Officer of the General Assembly shall be appointed by and serve at the pleasure of the Legislative Services Commission, and his compensation shall be fixed by the Legislative Services Commission.

(b) The Legislative Services Officer of the General Assembly shall perform such duties as are assigned to him by the Legislative Services Commission and shall be available to the Legislative Research Commission to provide such clerical, printing, drafting, and research duties as are necessary to the proper functions of the Legislative Research Commission.

(c) The Human Resources Management Officer shall be appointed by the Legislative Services Commission and shall serve under the supervision of the Legislative Services Officer. The compensation of the Human Resources Management Officer shall be set by the Legislative Services Commission.

(d) The Human Resources Management Officer shall be responsible for the development, maintenance, and implementation of the following human resources

1 programs for employees of the General Assembly: job descriptions, a classification
2 system, a pay plan, a performance management system, personnel policies and
3 procedures, recruitment and selection, career development, and training. The Human
4 Resources Management Officer shall work in cooperation with the Office of State
5 Personnel regarding human resources management planning and employee training and
6 development."

7 (b) This section is effective upon ratification.

8 —LEGISLATIVE PEER REVIEW.

9 Sec. 2. (a) The General Assembly shall have conducted a peer review of the
10 organizational structure and staffing capabilities and levels required to serve the General
11 Assembly in the future. The review shall be completed by July 1, 1994.

12 (b) There is appropriated from the General Fund to the General Assembly for
13 fiscal year 1993-94 the sum of fifty thousand dollars (\$50,000) to implement this
14 section.

15 (c) This section becomes effective July 1, 1993.

16 —CLARIF./LSC, LSO, AND LAO DUTIES.

17 Sec. 3. (a) The Legislative Services Commission shall fill the current vacant
18 position of Legislative Services Officer.

19 (b) The Legislative Services Commission shall also clarify the roles and
20 responsibilities of the Legislative Services Commission, the Legislative Services
21 Officer, and the Legislative Administrative Officer.

22 (c) G.S. 20-79.5(a) reads as rewritten:

23 "(a) Plates. – The State government officials listed in this section are eligible for a
24 special registration plate under G.S. 20-79.4. The plate shall bear the number designated
25 in the following table for the position held by the official.

26	Position	Number on Plate	
27	Governor	1	
28	Lieutenant Governor	2	
29	Speaker of the House of Representatives	3	
30	President Pro Tempore of the Senate	4	
31	Secretary of State	5	
32	State Auditor	6	
33	State Treasurer	7	
34	Superintendent of Public Instruction	8	
35	Attorney General	9	
36	Commissioner of Agriculture		10
37	Commissioner of Labor	11	
38	Commissioner of Insurance	12	
39	Speaker Pro Tempore of the House	13	
40	Legislative Administrative Services Officer	14	
41	Secretary of Administration		15
42	Secretary of Environment, Health, and Natural Resources		16
43	Secretary of Revenue	17	
44	Secretary of Human Resources		18

1	Secretary of Commerce	19	
2	Secretary of Correction	20	
3	Secretary of Cultural Resources		21
4	Secretary of Crime Control and Public Safety	22	
5	Governor's Staff	23-29	
6	State Budget Officer	30	
7	State Personnel Director	31	
8	Advisory Budget Commission Nonlegislative Member		32-41
9	Chair of the State Board of Education	42	
10	President of the U.N.C. System		43
11	Alcoholic Beverage Control Commission	44-46	
12	Assistant Commissioners of Agriculture	47-48	
13	Deputy Secretary of State	49	
14	Deputy State Treasurer	50	
15	Assistant State Treasurer	51	
16	Deputy Commissioner for the Department of Labor	52	
17	Chief Deputy for the Department of Insurance	53	
18	Assistant Commissioner of Insurance	54	
19	Deputies and Assistant to the Attorney General	55-65	
20	Board of Economic Development Nonlegislative Member		66-88
21	State Ports Authority Nonlegislative Member	89-96	
22	Utilities Commission Member		97-104
23	Parole Commission Member	105-109	
24	State Board Member, Commission Member, or State		
25	Employee Not Named in List		110-200".

26 (d) G.S. 120-32.01 reads as rewritten:

27 **"§ 120-32.01. Information to be supplied.**

28 (a) Every State department, State agency, or State institution shall furnish the
 29 Legislative ~~Administrative Services~~ Office and the Research, Fiscal Research, and Bill
 30 Drafting Divisions any information or records requested by them. Except when
 31 accessibility is prohibited by a federal statute, federal regulation or State statute, every
 32 State department, State agency, or State institution shall give the Fiscal Research
 33 Division access to any data base or stored information maintained by computer,
 34 telecommunications, or other electronic data processing equipment, whether stored on
 35 tape, disk, or otherwise, and regardless of the medium for storage or transmission.

36 (b) Notwithstanding subsection (a) of this section, access to the State Personnel
 37 Management Information System by the Legislative ~~Administrative Services~~ Office and
 38 by the Research and Bill Drafting Divisions shall only be through the Fiscal Research
 39 Division."

40 (e) G.S. 120-32.1 reads as rewritten:

41 **"§ 120-32.1. Use and maintenance of buildings and grounds.**

42 (a) The Legislative Services Commission shall:

43 (1) Establish policy for the use of the State legislative buildings and
 44 grounds;

- 1 (2) Maintain and care for the State legislative buildings and grounds, but
- 2 the Commission may delegate the actual work of the maintenance of
- 3 those buildings and grounds to the Department of Administration,
- 4 which shall perform the work as delegated;
- 5 (3) Provide security for the State legislative buildings and grounds;
- 6 (4) Allocate space within the State legislative buildings and grounds; and
- 7 (5) Have the exclusive authority to assign parking space in the State
- 8 legislative buildings and grounds.

9 (b) The Legislative ~~Administrative~~-Services Officer shall have posted the rules
10 adopted by the Legislative Services Commission under the authority of this section in a
11 conspicuous place in the State Legislative Building and the Legislative Office Building.
12 The Legislative ~~Administrative~~-Services Officer shall have filed a copy of the rules,
13 certified by the chairman of the Legislative Services Commission, in the office of the
14 Secretary of State and in the office of the Clerk of the Superior Court of Wake County.
15 When so posted and filed, these rules shall constitute notice to all persons of the
16 existence and text of the rules. Any person, whether on his own behalf or for another, or
17 acting as an agent or representative of any person, firm, corporation, partnership or
18 association, who knowingly violates any of the rules adopted, posted and filed under the
19 authority of this section is guilty of a misdemeanor and upon conviction shall be
20 punished by a fine or imprisonment in the discretion of the court, or by both such fine
21 and imprisonment. Any person, firm, corporation, partnership or association who
22 combines, confederates, conspires, aids, abets, solicits, urges, instigates, counsels,
23 advises, encourages or procures another or others to knowingly violate any of the rules
24 adopted, posted and filed under the authority of this section is guilty of a misdemeanor
25 and upon conviction shall be punished by a fine or imprisonment in the discretion of the
26 court, or by both such fine and imprisonment.

27 (c) The Legislative Services Commission may cause to be removed at the
28 owner's expense any vehicle parked in the State legislative buildings and grounds in
29 violation of the rules of the Legislative Services Commission and may cause to be
30 removed any vehicle parked in any State-owned parking space leased to an employee of
31 the General Assembly where the vehicle is parked without the consent of the employee
32 to whom the space is leased.

33 (d) For the purposes of this section, the term 'State legislative buildings and
34 grounds' means:

- 35 (1) At all times:
 - 36 a. The State Legislative Building and the area between outer walls
 - 37 of the State Legislative Building and the near curblineline of those
 - 38 sections of Jones, Wilmington, Lane, and Salisbury Streets
 - 39 which border land on which the State Legislative Building is
 - 40 situated;
 - 41 b. The Legislative Office Building and the areas between its outer
 - 42 walls and the near curblineline of those sections of Lane and
 - 43 Salisbury Streets that border the land on which it is situated;

- 1 c. Any State-owned parking lot which is leased to the General
2 Assembly; and
3 d. The bridge between the State Legislative Building and the State
4 Governmental Mall.

5 (2) In addition, the surface area to the far curblin of those sections of
6 Jones, Wilmington, Lane, and Salisbury Streets which border the land
7 on which the State Legislative Building is situated:

- 8 a. When the General Assembly is in regular or extra session; and
9 b. On other days on which one or more standing committees of
10 either or both houses of the General Assembly are meeting and
11 the Legislative ~~Administrative~~-Services Officer determines that
12 additional parking is needed for the functioning of the General
13 Assembly and files notice of the committee's or committees'
14 meetings and his finding that additional parking is needed in the
15 office of the Secretary of State and that of Clerk of the Superior
16 Court of Wake County."

17 (f) G.S. 120-36.6 reads as rewritten:

18 **"§ 120-36.6. Legislative Fiscal Research staff participation.**

19 Legislative fiscal research staff members may attend all meetings of the Advisory
20 Budget Commission and all hearings conducted by or for the Commission, and may
21 accompany the Commission to inspect the facilities of the State. The Legislative
22 ~~Administrative~~-Services Officer shall designate a member of the Fiscal Research staff,
23 and a member of the General Research or Bill Drafting staff who may attend all
24 meetings of the Board of Awards and Council of State, unless the Board or Council has
25 voted to exclude them from the specific meeting, provided that no final action may be
26 taken while they are so excluded. The Legislative Services Officer and the Director of
27 Fiscal Research shall be notified of all such meetings, hearings and trips in the same
28 manner and at the same time as notice is given to members of the Board, Commission
29 or Council. The Legislative Services Officer and the Director of Fiscal Research shall
30 be provided with a copy of all reports, memoranda, and other informational material
31 which are distributed to the members of the Board, Commission, or Council; these
32 reports, memoranda and materials shall be delivered to the Legislative Services Officer
33 and the Director of Fiscal Research at the same time that they are distributed to the
34 members of the Board, Commission, or Council."

35 (g) G.S. 120-70.36 reads as rewritten:

36 **"§ 120-70.36. Staffing.**

37 The Legislative ~~Administrative~~-Services Officer shall assign as staff to the Joint
38 Select Committee professional employees of the General Assembly, as approved by the
39 Legislative Services Commission. Clerical staff shall be assigned to the Joint Select
40 Committee through the offices of the Supervisor of Clerks of the Senate and Supervisor
41 of Clerks of the House of Representatives. The expenses of employment of clerical
42 staff shall be borne by the Joint Select Committee."

43 (h) G.S. 120-70.46 reads as rewritten:

44 **"§ 120-70.46. Staffing.**

1 The Legislative ~~Administrative~~ Services Officer shall assign as staff to the
2 Environmental Review Commission professional employees of the General Assembly,
3 as approved by the Legislative Services Commission. Clerical staff shall be assigned to
4 the Environmental Review Commission through the offices of the Supervisor of Clerks
5 of the Senate and Supervisor of Clerks of the House of Representatives. The expenses
6 of employment of clerical staff shall be borne by the Environmental Review
7 Commission."

8 (i) G.S. 120-70.52(c) reads as rewritten:

9 "(c) The Committee shall be funded by appropriations made to the Highway Trust
10 Fund and allocated to the Intrastate System projects. Members of the Committee
11 receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee
12 may contract for consultants or hire employees in accordance with G.S. 120-32.02. The
13 Legislative Services Commission, through the Legislative ~~Administrative~~ Services
14 Officer, shall assign professional staff to assist the Committee in its work. Upon the
15 direction of the Legislative Services Commission, the Supervisors of Clerks of the
16 Senate and of the House of Representatives shall assign clerical staff to the Committee.
17 The expenses for clerical employees shall be borne by the Committee."

18 (j) G.S. 120-70.65 reads as rewritten:

19 "**§ 120-70.65. Staffing.**

20 The Legislative ~~Administrative~~ Services Officer shall assign as staff to the
21 Commission professional employees of the General Assembly, as approved by the
22 Legislative Services Commission. Clerical staff shall be assigned to the Commission
23 through the Offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks
24 of the House of Representatives. The expenses of employment of clerical staff shall be
25 borne by the Commission."

26 (k) G.S. 120-70.82(c) reads as rewritten:

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

35 (l) G.S. 143-8 reads as rewritten:

36 "**§ 143-8. Reporting of legislative and judicial expenditures and financial needs.**

37 On or before the first day of September, biennially, in the even-numbered years, the
38 Legislative ~~Administrative~~ Services Officer shall furnish the Director a detailed
39 statement of expenditures of the General Assembly for the current fiscal biennium, and
40 an estimate of its financial needs, itemized in accordance with the budget classification
41 adopted by the Director and approved and certified by the President pro tempore of the
42 Senate and the Speaker of the House for each year of the ensuing biennium, beginning
43 with the first day of July thereafter. The Administrative Officer of the Courts shall
44 furnish the Director a detailed statement of expenditures of the judiciary, and for each

1 year of the current fiscal biennium an estimate of its financial needs as provided by law,
2 itemized in accordance with the budget classification adopted by the Director and
3 approved and certified by the Chief Justice for each year of the ensuing biennium,
4 beginning with the first day of July thereafter. The Director shall include these
5 estimates and accompanying explanations in the budget submitted with such
6 recommendations as the Director may desire to make in reference thereto."

7 (m) This section is effective upon ratification.

8 ---LEGISLATIVE SERVICES SCHEDULE.

9 Sec. 4. (a) G.S. 120-31 is amended by adding a new subsection to read:

10 "(f) The Legislative Services Commission shall meet at least quarterly, but may
11 provide for cancellation of a meeting if there is no business to transact."

12 (b) This section is effective upon ratification

13 ---LEGISLATIVE FACILITIES PLAN.

14 Sec. 5. (a) The Legislative Services Commission shall develop a facilities
15 plan that defines current space needs and plans for future needs for facilities and storage
16 space. This plan shall be completed by July 1, 1994.

17 (b) This section is effective upon ratification.

18 ---INDEXING OF JOURNALS.

19 Sec. 6. (a) G.S. 120-28 reads as rewritten:

20 "**§ 120-28. Journals indexed by clerks.**

21 The principal clerks of the two houses of the General Assembly shall provide full
22 and complete indexes for the journals of their respective houses. The indexes for the
23 journals shall be produced in a manner consistent with procedures established by the
24 Legislative Services Commission under G.S. 120-32(7)a."

25 (b) G.S. 120-32 reads as rewritten:

26 "**§ 120-32. Commission duties.**

27 The Legislative Services Commission is hereby authorized to:

28 (1) Determine the number, titles, classification, functions, compensation,
29 and other conditions of employment of the joint legislative service
30 employees of the General Assembly, including but not limited to the
31 following departments:

- 32 a. Legislative Services Officer and personnel,
- 33 b. Electronic document writing system,
- 34 c. Proofreaders,
- 35 d. Legislative printing,
- 36 e. Enrolling clerk and personnel,
- 37 f. Library,
- 38 g. Research and bill drafting,
- 39 h. Printed bills,
- 40 i. Disbursing and supply;

41 (2) Determine the classification and compensation of employees of the
42 respective houses other than staff elected officers; however, the hiring
43 of employees of each house and their duties shall be prescribed by the
44 rules and administrative regulations of the respective house;

- 1 (3) Acquire and dispose of furnishings, furniture, equipment, and supplies
2 required by the General Assembly, its agencies and commissions and
3 maintain custody of same between sessions. It shall be a misdemeanor
4 for any person(s) to remove any state-owned furniture, fixtures, or
5 equipment from the State Legislative Building for any purpose
6 whatsoever, except as approved by the Legislative Services
7 Commission;
- 8 (4) Contract for services required for the operation of the General
9 Assembly, its agencies, and commissions; however, any departure
10 from established operating procedures, requiring a substantial
11 expenditure of funds, shall be approved by appropriate resolution of
12 the General Assembly;
- 13 (5) a. Provide for engrossing and enrolling of bills,
14 b. Appoint an enrolling clerk to act under its supervision in the
15 enrollment and ratification of acts;
- 16 (6) a. Provide for the duplication and limited distribution of copies of
17 ratified laws and joint resolutions of the General Assembly and
18 forward such copies to the persons authorized to receive same,
19 b. Maintain such records of legislative activities and publish such
20 documents as it may deem appropriate for the operation of the
21 General Assembly;
- 22 (7) a. Provide for the indexing and printing of the session laws of each
23 regular, extra or special session of the General ~~Assembly~~ Assembly,
24 ~~and~~—provide for the printing of the journal of each house of the
25 General Assembly, and establish procedures for the principal clerks of
26 the House of Representatives and the Senate to use in producing
27 uniform indexes;
28 b. Provide and supply to the Secretary of State such bound
29 volumes of the journals and session laws as may be required by
30 him to be distributed under the provisions of G.S. 147-45, 147-
31 46.1 and 147-48.
- 32 (8) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 1014, s. 40.
- 33 (9) To establish a bill drafting division to draft bills at the request of
34 members or committees of the General Assembly.
- 35 (10) To select the locations for buildings occupied by the General
36 Assembly, and to name any building occupied by the General
37 Assembly.
- 38 (11) To specify the uses within the General Assembly budget of funds
39 appropriated to the General Assembly which remain available for
40 expenditure after the end of the biennial fiscal period, and to revert
41 funds under G.S. 143-18.
- 42 (12) Provide insurance to provide excess indemnity for any occurrence
43 which results in a claim against any member of the General Assembly,
44 as provided in G.S. 143-300.2 through G.S. 143-300.6. That insurance

1 may not provide for any indemnity to be payable for any claim not
2 covered by the above cited statutes, nor for any criminal act by a
3 member, nor for any act committed by a member or former member
4 prior to the inception of insurance.

5 (13) Provide insurance to provide excess indemnity for any occurrence that
6 results in a claim against any employee, officer, or committee,
7 subcommittee, or commission member in the legislative branch other
8 than a member of the General Assembly, as provided in G.S. 143-
9 300.2 through G.S. 143-300.6. That insurance may not provide for any
10 indemnity to be payable for any claim not covered by the above cited
11 statutes, nor for any criminal act, nor for any act committed prior to the
12 inception of insurance."

13 (c) This section is effective upon ratification.

14 ---IMPLEMENTATION REVIEW OF GPAC

15 Sec. 7. (a) The Legislative Research Commission may establish a follow-up
16 process, including external review, for the implementation of the recommendations of
17 the Government Performance Audit Committee. The Commission may report the
18 results of its study to the 1994 Regular Session of the 1993 General Assembly and to the
19 1995 General Assembly.

20 (b) This section is effective upon ratification.