

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 932
HOUSE BILL 115

AN ACT TO REPEAL THE SUNSET LAW AND TO REPLACE THE GOVERNMENTAL EVALUATION COMMISSION WITH A LEGISLATIVE COMMITTEE ON AGENCY REVIEW, WHICH WILL COMPLETE THE PROCESS OF REVIEWING LAWS AND PROGRAMS THAT WERE ON THE SUNSET LIST.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 143, Article 1.1 ("Periodic Review of Certain Agencies") is repealed except for G.S. 143-34.11, effective June 30, 1981, except that this section does not repeal that Article as it applies to the subjects covered by any of the following bills (1981 Session) which have not been ratified before the adjournment of the Spring 1981 Session of the General Assembly: House Bills 279, 283, 284, 286, 287, 288, 294, 295, 297, 298, and 300.

Sec. 2. There is added to General Statutes Chapter 143, following Article 1.1, a new Article to be numbered 1.2 and to read as follows:

"ARTICLE 1.2.

"Legislative Committee on Agency Review.

§ 143-34.25. Creation of Legislative Committee on Agency Review, staffing, compensation; termination. — (a) There is created a temporary legislative committee to be known as the Committee on Agency Review (hereinafter referred to as 'The Committee'). The Committee is composed of 10 members, five Representatives appointed by the Speaker of the House and five Senators appointed by the President Pro Tempore of the Senate. The members serve for two-year terms, beginning July 1, 1981, or until they cease to be members of the General Assembly, whichever occurs first. The appointing officers shall designate two of the members to serve as cochairs. Any vacancy that occurs in the membership of the Committee shall be filled for the remainder of the unexpired term by the officer making the original appointment. A quorum consists of a cochairman and any four other members of the Committee.

- (b) Members of the Committee shall be compensated pursuant to G.S. 120-3.1.
- (c) The Committee shall be staffed by the Legislative Services Commission, but the Committee may also employ such additional professional services as it deems necessary.
- (d) The Committee shall terminate and the authority granted by this Article shall expire on June 30, 1983.

§ 143-34.26. Functions of Committee. — (a) The Committee shall review and evaluate the programs and functions authorized under the following laws:

- (1) DEPARTMENT OF AGRICULTURE
Public Weighmasters (Chapter 81A, Article 5).
Landscape Contractors (Chapter 89D).
North Carolina Commercial Fertilizer Law (Chapter 106, Article 56)
Structural Pest Control Act (Chapter 106, Article 4C).
Marketing of Farmers Stock Peanuts (Chapter 106, Article 5A).
Food, Drugs and Cosmetics (Chapter 106, Article 12).
State Inspection of Slaughterhouses (Chapter 106, Article 14).

Licensing and Regulation of Rendering Plants and Rendering Operations (Chapter 106, Article 14A).
Meat Grading Law (Chapter 106, Article 15A).
Marketing and Branding Farm Products (Chapter 106, Article 17).
Regulation of Production, Distribution, etc., of Milk and Cream (Chapter 106, Article 28B).
Inspection, Grading, and Testing Milk and Dairy Products (Chapter 106, Article 29).
North Carolina Seed Law (Chapter 106, Article 31).
Feeding Garbage to Swine (Chapter 106, Article 34, Part 10).
Public Livestock Markets (Chapter 106, Article 35).
Livestock Dealer Licensing Act (Chapter 106, Article 35B).
Unfair Practices by Handlers of Fruits and Vegetables (Chapter 106, Article 44).
Poultry; Hatcheries; Chick Dealers (Chapter 106, Article 49).
North Carolina Antifreeze Law of 1975 (Chapter 106, Article 51 A).
Grain Dealers (Chapter 106, Article 53) and Adulteration of Grains (Article 54).
Pesticide Applicators and Consultants (Chapter 143, Article 52, Part 4).
Pesticide Dealers and Manufacturers (Chapter 143, Article 52, Part 3).

(2) DEPARTMENT OF INSURANCE

Bail Bondsmen and Runners (Chapter 85C).
Collection Agencies (Chapter 66, Article 9A).
Motor Clubs and Associations (Chapter 66, Article 9B).
Authority over all insurance companies, no exemptions from license (G.S. 58-15).
Agents and others must procure license (G.S. 58-40).
Insurance Premium Financing (Chapter 58, Article 4).

(3) DEPARTMENT OF LABOR

Passenger Tramways (Chapter 95, Article 15).

(4) DEPARTMENT OF JUSTICE

Private Protective Services Act (Chapter 74C).

(5) DEPARTMENT OF ADMINISTRATION

Day-Care Facilities (Chapter 110, Article 7).

Child Day-Care Licensing Commission (Chapter 143B, Article 9. Part 4).

(6) DEPARTMENT OF HUMAN RESOURCES

Nursing Home Administration (Chapter 90, Article 20).

Licensing of Private Institutions (maternity homes, homes for the aged and infirm, private child-care institutions) (Chapter 108. Article 3, Part 2).

Control over Child-Caring Facilities (Chapter 110, Article 3).

Licensing of Local Mental Health Facilities (Chapter 122, Article 2F).

Licensing and Control of Area Mental Health, Mental Retardation and Substance Abuse Institutions and Homes (G.S. 122-72).

Regulation of Ambulance Services (Chapter 130, Article 26).

Hospital Licensing Act (Chapter 131, Article 13A).

Licensing of Ambulatory Surgical Facilities (Chapter 131 B).

Sanitarians (Chapter 90A, Article 1).

Midwives (Chapter 90, Article 10), and Midwives (Chapter 130, Article 18).

North Carolina Radiation Protection Act (Chapter 104E).

(7) DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

Wastewater Treatment Plant Operators (Chapter 90A, Article 3).

Wastewater Treatment Plant Operators Certification Commission (Chapter 143B, Article 7, Part 9).

Coastal Area Management (Chapter 113A, Article 7).

Water and Air Resources (Chapter 143, Article 21 (except Part 3).

Oil Pollution Control (Chapter 143, Article 21A).

Air Pollution Control (Chapter 143, Article 21B).

Water Resources (Chapter 143, Article 38).

Environmental Management Commission (Chapter 143B. Article 7, Part 4).

Administrative Provisions; Regulatory Authority of Marine Fisheries Commission and Department (Chapter 113, Article 17).

North Carolina Game Law of 1935 (Chapter 113, Article 7).

(8) DEPARTMENT OF COMMERCE

Board of commissioners of navigation and pilotage for the Cape Fear River and Bar (Chapter 76, Article 1).

Morehead City Navigation and Pilotage Commission (Chapter 76, Article 6).

(8) DEPARTMENT OF TRANSPORTATION

Professional House Moving (Chapter 20, Article 16).

(10) OTHERS

Practice of Funeral Service (Chapter 90, Article 13A).

Practicing Psychologists (Chapter 90, Article 18A).

Auctions and Auctioneers (Chapter 85B).

North Carolina State Commission on Indian Affairs (Chapter 143B, Part 15).

Foresters (Chapter 89B).

Osteopathy (Chapter 90, Article 7).

(b) The Committee may develop legislative recommendations concerning the programs and functions that it is charged to review. In developing such recommendations (if any) the Committee shall proceed with a view to continuing productive, efficient and active programs which are in the public interest, to eliminating inactive programs, and to eliminating or consolidating overlapping or duplicating programs; and may consider the extent to which changes are needed in enabling laws.

(c) The citations and titles in subsection (a) of this section are listed for convenience only. It is the intention of the General Assembly that all of the agencies and programs covered in subsection (a) are to be reviewed by the Committee whether or not the provisions and codification of the enabling laws for those agencies and programs are changed.

"§ 143-34.27. Procedure in developing Committee recommendations. — (a) By January 1, 1982, each department listed in G.S. 143-34. 26(a), whose programs are to be reviewed by the Committee, shall submit to the Committee its recommendations for retention or termination of those programs, and for changes (if any) in the enabling laws for those programs, together with supporting reasons for its recommendations. By January 1, 1982, the Legislative Services Office shall submit to the Committee its recommendations for retention or termination of the programs listed in G.S. 143-34.26(a)(10), and for changes (if any) in the enabling laws for those programs, together with supporting reasons for its recommendations. The recommendations of the departments and of the Legislative Services Office shall identify:

- (1) any functions which in their opinion are being duplicated by another State agency, together with their recommendations (if any) for eliminating the duplication; and
- (2) any functions which in their opinion are inconsistent with current and projected public demands and should be terminated or altered.

(b) On the basis of the recommendations submitted under subsection (a) of this section, and other available information, the Committee shall prepare tentative recommendations concerning the programs and agencies listed in G.S. 143-34.26(a) and shall make its tentative recommendations available to the responsible departments and offices by July 1, 1982. The Committee shall hold at least one public hearing concerning any program, function or agency as to which it tentatively recommends termination or statutory amendment, at which hearing

the affected agency and any other interested persons may present data, views and arguments. Hearings for more than one agency or program or function may be held on the same day. The Committee shall give at least 10 days' notice, by publication at least once in one newspaper of general circulation in Wake County, of the public hearing, including the following:

- (1) a reference to the statutory authority for the evaluation;
- (2) the time and place of the hearing and a statement of the manner in which data, views, and arguments may be submitted either at the hearing or at other times by any person; and
- (3) a brief summary of the Committee's recommendations.

(c) Upon completion of the hearing and consideration of written statements or other evidence submitted, the Committee shall make its final decisions with respect to the program or function and shall prepare a report thereon for the General Assembly together with any recommended legislation. Copies of the report and the recommended legislation shall be filed with the Attorney General and shall be mailed or delivered to the agency responsible for the program or function.

(d) The Committee is authorized to meet in the State Legislative Building when the General Assembly is not in session, subject to the determination by the Legislative Services Commission that space is available. The Committee shall hold its initial meeting at the Legislative Building on October 9, 1981, at 10:00 a.m. unless another date and time are set by the cochairs.

Sec. 2.1. Session Laws 1973, Chapter 1284, Section 3, as amended by Session Laws 1975, Chapter 452, Section 5, is hereby amended to delete the words and punctuation ", and the entire act shall expire on June 30, 1983".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1981.