



Representative McLawhorn's News from Raleigh

April 22, 2008

There are several study committees meeting during the interim that deal with the way our state and local governments operate. Legislators serve on these committees to ensure that government serves you in best way possible and meets your needs.

Thank you for your support. Please feel free to contact me if I can be of assistance.

Joint Legislative Administrative Procedure Oversight Committee

The Joint Legislative Administrative Procedure Oversight Committee considers rules to determine if the law should be changed to fulfill the intent of the General Assembly. The committee receives reports from the Rules Review Commission and prepares a notebook of these administrative rules for members of the General Assembly.

The committee also evaluates the rule-making process and procedures for giving the public notice of and information about proposed rules. Members of the committee study state regulatory programs to determine if rules should be streamlined or changed.

At their first meeting, the committee looked at the Administrative Procedure Act (APA). The APA was passed in the mid-80s to create a fair, uniform method for reviewing and adopting agency rules. The committee also reviewed status reports from occupational licensing boards.

Joint Legislative Oversight Committee on Capital Improvements

The Joint Legislative Oversight Committee on Capital Improvements examines capital improvements of state buildings and proposed projects. During the interim, the committee has been updated on projects for the University of North Carolina system and state ports. Members of the committee have also looked at the prison population and prison facilities, capacity concerns at psychiatric facilities, and the Central Regional Psychiatric Hospital project.

Recently, members of the committee reviewed the State Facility Master Plan. The plan focuses on minimizing lease space by purchasing property to save taxpayer dollars in the long run. Members of the committee asked about building in areas outside of the capitol that may have lower building costs.

A state construction working group will compare the costs of state and private company construction. The committee will receive a monthly report on all projects over \$2 million and track whether the projects are on time and on budget.

Joint Select Committee on Governmental Immunity

The Joint Select Committee on Governmental Immunity studies issues related to governmental immunity. The committee considers all governmental immunity doctrines available to state and local governments, including sovereign immunity, public official immunity, and public officer immunity. Members of the committee determine whether these doctrines are being appropriately and consistently applied and whether these doctrines should continue in effect or be modified.

The committee reviewed governmental immunity at the state and local level at its first meeting. Members of the committee have also considered a bill (SB 1326) that deals with school board immunity and a

proposed bill that seeks to extend liability protection to private entities that act under the direction of government in state emergencies.

Joint Legislative Commission on Governmental Operations

The Joint Legislative Commission on Governmental Operations, of which I am an advisory member, evaluates the practices, policies, programs, and procedures of departments, agencies, and institutions in state government. Since the commission has such a large scope, there are several subcommittees. There is a Statewide/Capital/General Government Subcommittee, and Education/Health and Human Services Subcommittee, a Natural and Economic Resources/Transportation Subcommittee, and a Justice and Public Safety Subcommittee. The commission reviews reports from these subcommittees as it conducts its regular meetings.

Joint Legislative Commission on Municipal Incorporations

The Joint Legislative Commission on Municipal Incorporations reviews petitions for incorporation and makes recommendations to the General Assembly. A voter must present a petition signed by 15 percent of the registered voters of the area to be incorporated and 25 percent of the registered voters in the area. These signatures must be verified as registered voters by the county board of elections.

The petition must be submitted at least 60 days before the next regular session of the General Assembly. It must include a proposed name and map of the city, the names of three people to serve as an interim governing board, a proposed charter, and list of services to be provided by the municipality. The petition must also include a recommendation for the form of government and election procedures, the estimated population, assessed valuation, population density, and degree of development.

Within three years, the municipality must provide four of the following services: solid waste collection/disposal, fire protection, police protection, water distribution, street maintenance, street lighting, street construction or right-of-way acquisition, and zoning. The commission will make a recommendation to the General Assembly after considering state municipal incorporation laws.

House Select Committee on Municipal Annexation

The House Select Committee on Municipal Annexation is studying municipal annexations in North Carolina and state laws on municipal annexations. The committee will also examine reports of other legislative committees that have studied annexations and whether the state should make any changes to the annexation laws.

Members of the committee hosted a public hearing last week where they heard suggestions from both supporters and opponents of annexation. During their meetings, the committee has studied the history of current annexation laws. Members of the committee are discussing ways to give citizens a voice in the annexation process, how other states handle annexation, and concerns about providing water and sewer services to annexed areas.

Notes

We must all do our part to keep North Carolina beautiful. The North Carolina Department of Transportation is hosting its biannual cleanup drive "Litter Sweep" April 19th-May 3rd through the Adopt-a-Highway program. Participants are eligible to enter the "Most Unusual Litter" contest and win up to \$250. For more information please visit www.ncdot.org/~beautification or call 1-800-331-5864.