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LEGISLATIVE COMMITTEE ON
AGENCY REVIEW

INTERIM REPORT TO 1982
GENERAL ASSEMBLY

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LEGISLATIVE COMMITTEE ON AGENCY REVIEW
1982 INTERIM REPORT TO THE GENERAL ASSEMBLY

This is a progress report to the 1982 General Assembly from the Legislative Committee on Agency Review.

The Committee on Agency Review is the successor to the "Sunset" or Governmental Evaluation Committee. The principal differences between the Agency Review Committee and its predecessor are these:

- (1) The Agency Review Committee consists entirely of legislators, not a mixture of legislator and citizen-members.
- (2) There is no automatic termination date for agencies being reviewed, in contrast to the old Sunset Law.
- (3) The Agency Review Committee is operating on a much smaller budget than its predecessor (\$35,000 for the biennium compared to \$340,000 for the last biennium of actual operation of the sunset process.) It also is required to review a larger number of laws in a shorter period.
- (4) The Agency Review Committee is utilizing part-time Institute of Government and Legislative Services Commission staff, rather than a full-time separate staff of its own.

The Committee on Agency Review has now completed its basic evaluation of the 62 programs that were assigned to it for review during the current biennium. (On closer inspection the Committee found that these programs actually involve a total of 67 separate statutes.) Nine full days of meetings and hearings have been held by the Committee. A one-day hearing was devoted to a single agency, the Milk Commission, and the other 61 programs have shared the remaining time.

With its limited staff and the limited time available for its work, the Committee obviously could not conduct an in-depth review of 62 programs. But, within the limits

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of its resources, the Committee believes that this experiment in legislative evaluation of agency programs has been successful on several counts and can serve as a useful model for future legislative oversight activities.

First, this has been a productive experiment in legislative-executive cooperation. In repealing the Sunset Law and enacting the Agency Review Law, the 1981 General Assembly was deciding to rely heavily in the future for input from the boards and departments whose programs were to be reviewed. These boards and departments have taken a strong and active part in presenting information and recommendations, which has been a great help to the Committee.

Second, as directed by the 1981 General Assembly, this is a low-budget operation. The Committee is staying within its \$35,000 budget for the biennium.

Third, the Agency Review Law has stimulated a good effort by the departments and agencies to eliminate outmoded and unnecessary laws and programs. As a result of their voluntary proposals, the Committee is recommending the elimination of three programs and the repeal, consolidation or amendment of many other obsolete or unnecessary statutory provisions. (See Attachment #1.)

Fourth, the Committee's studies have accelerated by six to nine months the drafting of departmental bills by several state departments. (See Attachment #1.) This should significantly expedite the work of the 1983 General Assembly.

One public hearing, general in nature, has already been held to invite the public's participation in the Committee's work. Later this year the Committee will hold additional public hearings, as required by its statute, on any law proposed to be repealed or amended. At the conclusion of this process, the Committee will prepare necessary legislation to be introduced in the 1983 General Assembly and handled through the normal standing committee processes.

ATTACHMENT #1

LEGISLATION TENTATIVELY RECOMMENDED BY LCAR

(1) Elimination of Programs by Repeal of Statutory Authorization

Marketing of Farmers' Stock Peanuts
Meat Grading
Slaughterhouse Inspection (Repealed in 1981, anticipating LCAR action)

(2) Elimination of Deadwood by Repeal of Obsolete or Unnecessary Sections

Marketing Farm Products (unconstitutional section)
CAMA (obsolete section)
Water Resources (obsolete reference to stream sanitation law)
Environmental Management (obsolete reference to sand dune law)
Marine Fisheries (references to redundant filing procedures)
Air Pollution (redundant local air pollution control provisions)

(3) Departmental Bills Amending Agriculture Statutes

Feeding Garbage to Swine
Hatcheries and Chick Dealers
Food and Drug Laws

(4) Departmental Bills Amending NRCD Statutes

Environmental Management--water pollution control
Dredge and Fill Law
CAMA
Water Use Law
Water Resources Development Grants Formula
Well Construction Act

(5) Departmental Bills Amending DHR Statutes

Milk Sanitation
Sanitarian Registration
Child Caring Institutions and Facilities
Maternity Homes
Regulation of Ambulance Services
Ambulatory Surgical Facilities
Hospital Licensing Act
Area Mental Health Programs
Private Mental Institutions

(6) Justice

Private Protective Services

(7) Transportation

Professional House Moving

(8) Commerce

Milk Commission

(9) Insurance

Agents Licensing
Insurance Company Licensing
Bail Bondsmen and Runners
Collection Agencies
Insurance Premium Financing
Motor Clubs and Associations

(10) Administration

Day-Care Facilities
Child Day-Care Licensing Commission

(11) DHR (not department bills)

Homes for the Aged and Disabled

(12) Others

Foresters Registration
Funeral Services
Landscape Contractors Registration
Civil Penalty Legislation
Nursing Home Administrators
Practicing Psychologists
Osteopaths
Auctioneers

ATTACHMENT #2

LEGISLATION TENTATIVELY RECOMMENDED BY LCAR
TO BE CONTINUED WITHOUT CHANGE

(1) Labor

Passenger Tramways

(2) DHR

Midwives
Radiation Protection Act

(3) Commerce

Cape Fear Navigation and Pilotage Commission
Morehead City Navigation and Pilotage Commission

(4) Administration

Commission of Indian Affairs

(5) Agriculture

Antifreeze
Commercial Fertilizer
Feeding Garbage to Swine

Grain Dealers
Fruit and Vegetable Handlers
Livestock Dealers
Public Livestock Markets
Public Weighmasters
Pesticides
Rendering Plants
Seed
Structural Pest Control

(6) NRCD

Environmental Management Commission
Federal Water Resources Development Projects
Floodway Regulation
Game Law
Right of Withdrawal of Stored Water
Wastewater Treatment Operators Certification and Commission
Water and Air Quality Reporting

ATTACHMENT #3

LEGISLATION TENTATIVELY RECOMMENDED BY
LCAR FOR FURTHER STUDY

Agriculture

Food Sanitation

Commerce

Cape Fear Navigation and Pilotage Commission
Morehead City Navigation and Pilotage Commission

NRCD

Oil and Hazardous Substances Control Law
Wastewater Treatment Operation
Water and Air Pollution Control Laws