

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1644

Short Title: Budget Study/Department of Public Instruction. (Public)

Sponsors: Representatives Yongue, Carney, Johnson, Preston (Primary Sponsors); Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Black, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, and Wright.

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

May 11, 2005

A BILL TO BE ENTITLED

AN ACT CREATING THE LEGISLATIVE STUDY COMMISSION ON THE BUDGET OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. There is created the Legislative Study Commission on the Budget of the Department of Public Instruction. The purpose of the Commission is to perform a zero-based budget review of the Department of Public Instruction.

SECTION 2. The Commission shall consist of five members of the House of Representatives appointed by the Speaker of the House of Representatives and five members of the Senate appointed by the President Pro Tempore of the Senate.

The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore shall designate one Senator as cochair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment.

SECTION 3. In performing a zero-based budget review of the Department of Public Instruction, the Commission shall:

- (1) Consider the mission and goals of the Department, as set out in statutes and in the rules, policies, and practices of the Department;
- (2) Evaluate the mission and goals of the Department in view of the Leandro decision, the No Child Left Behind Act of 2001, the academic

- 1 performance of students in the public schools, and the needs of the
2 State and its citizens, and propose any necessary revisions;
- 3 (3) Evaluate the efficiency and effectiveness of the Department of Public
4 Instruction in furthering the missions and goals of the Department,
5 including any proposed revisions. This evaluation shall include (i) the
6 role of the Department of Public Instruction, its administrative
7 structure, organization, and its statutory powers and duties; (ii) the role
8 of the State Board of Education as the head of the Department of
9 Public Instruction, its composition, organization, and constitutional
10 and statutory powers and duties; and (iii) the role of the State
11 Superintendent as secretary and chief administrative officer of the
12 State Board, the State Superintendent's selection, and the State
13 Superintendent's constitutional and statutory powers and duties;
- 14 (4) Evaluate each program within the Department to determine (i) whether
15 and to what extent it is required by State or federal law; (ii) what
16 extent it achieves the mission and goals of the Department; and (iii)
17 whether there are alternative ways to achieve the mission and goals of
18 the Department, including proposed revisions, in a more efficient and
19 effective manner;
- 20 (5) Assess the activities performed in each program, the major benefits
21 provided by the program, the current cost and staffing levels for the
22 program, the rationale for the cost and staffing levels, and the
23 administrative and other overhead costs of the program;
- 24 (6) Determine the level of funding and staff necessary to accomplish the
25 goals and missions of the Department, including proposed revisions,
26 without regard to past levels of funding.

27 **SECTION 4.** The Commission, while in the discharge of its official duties,
28 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
29 G.S. 120-19.4. The Commission may meet at any time upon the joint call of the
30 cochairs. The Commission may meet in the Legislative Building or the Legislative
31 Office Building.

32 The Legislative Services Commission, through the Legislative Services
33 Officer, shall assign professional staff to assist the Commission in its work. The House
34 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to
35 the Commission, and the expenses relating to the clerical employees shall be borne by
36 the Commission. The Commission may contract for professional, clerical, or consultant
37 services as provided by G.S. 120-32.02. If the Commission hires a consultant, the
38 consultant shall not be a State employee or a person currently under contract with the
39 State to provide services.

40 All State departments and agencies and local governments and their
41 subdivisions shall furnish the Commission with any information in their possession or
42 available to them.

43 The Legislative Services Commission, through the Legislative Services
44 Officer, shall assign professional staff to assist the Commission in its work. The House

1 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to
2 the Commission, and the expenses relating to the clerical employees shall be borne by
3 the Commission.

4 **SECTION 5.** The Commission shall report the results of its study and its
5 recommendations to the 2006 Regular Session of the 2005 General Assembly upon its
6 convening. The Commission shall terminate upon filing its final report or upon the
7 convening of the 2006 Regular Session of the 2005 General Assembly, whichever is
8 earlier.

9 **SECTION 6.** There is appropriated from the General Fund to the General
10 Assembly the sum of fifty thousand dollars (\$50,000) for the 2005-2006 fiscal year for
11 the expenses of the Legislative Study Commission on the Budget of the Department of
12 Public Instruction.

13 **SECTION 7.** This act becomes effective July 1, 2005.