

§ 120-76. Powers and duties of the Commission.

The Commission shall have the following powers:

- (1) To conduct program evaluation studies of the various components of State agency activity as they relate to:
 - a. Service benefits of each program relative to expenditures;
 - b. Achievement of program goals;
 - c. Use of indicators by which the success or failure of a program may be gauged; and
 - d. Conformity with legislative intent.
- (2) To study legislation which would result in new programs with statewide implications for feasibility and need. These studies may be jointly conducted with the Fiscal Research Division of the Legislative Services Commission.
- (3) To study on a continuing basis the implementation of State government reorganization with respect to:
 - a. Improvements in administrative structure, practices and procedures;
 - b. The relative effectiveness of centralization and decentralization of management decisions for agency operation;
 - c. Opportunities for effective citizen participation; and
 - d. Broadening of career opportunities for professional staff.
- (4) To make such studies and reports of the operations and functions of State government as it deems appropriate or upon petition by resolution of either the Senate or the House of Representatives.
- (5) To produce routine written reports of findings for general legislative and public distribution. Special attention shall be given to the presentation of findings to the appropriate committees of the Senate and the House of Representatives. If findings arrived at during a study have a potential impact on either the finance or appropriations deliberations, such findings shall immediately be presented to the committees. Such reports shall contain recommendations for appropriate executive action and when legislation is considered necessary to effect change, draft legislation for that purpose may be included. Such reports as are submitted shall include but not be limited to the following matters:
 - a. Ways in which the agencies may operate more economically and efficiently;
 - b. Ways in which agencies can provide better services to the State and to the people; and
 - c. Areas in which functions of State agencies are duplicative, overlapping, or failing to accomplish legislative objectives, or for any other reason should be redefined or redistributed.
- (6) To devise a system, in cooperation with the Fiscal Research Division of the Legislative Services Commission, whereby all new programs authorized by the General Assembly incorporate an evaluation component. The results of such evaluations may be made to the Appropriations Committees at the beginning of each regular session.
- (7) To evaluate and approve or deny requests from the Department of Transportation regarding the funding of federally eligible construction projects as provided in the fourth paragraph of G.S. 136-44.2.
- (8) The Joint Legislative Commission on Governmental Operations shall be consulted by the Governor before the Governor does any of the following:
 - a. Repealed by Session Laws 2007-117, s. 2, effective July 1, 2007.

- b. Authorizes expenditures in excess of the total requirements of a purpose or program as enacted by the General Assembly and as provided by G.S. 143C-6-4.
 - c. Proceeds to reduce programs subsequent to a reduction of ten percent (10%) or more in the federal fund level certified to a department and any subsequent changes in distribution formulas.
 - d. Takes extraordinary measures under Article III, Section 5(3) of the Constitution to effect necessary economies in State expenditures required for balancing the budget due to a revenue shortfall, including, but not limited to, the following: loans among funds, personnel freezes or layoffs, capital project reversions, program eliminations, and use of reserves. However, if the Committee fails to meet within 10 calendar days of a request by the Governor for its consultation, the Governor may proceed to take the actions he feels are appropriate and necessary and shall then report those actions at the next meeting of the Commission.
 - e. Approves a new capital improvement project funded from gifts, grants, receipts, special funds, self-liquidating indebtedness, and other funds or any combination of funds for the project not specifically authorized by the General Assembly. The budget for each capital project must include projected revenues in an amount not less than projected expenditures.
- (9) Repealed by Session Laws 2015-241, s. 31.16(b), effective July 1, 2015.
- (10) Repealed by Session Laws 2015-264, s. 69(a), effective October 1, 2015.
- (11) To evaluate the North Carolina Utilities Commission, by doing the following:
- a. Reviewing the actions of the North Carolina Utilities Commission, including the review of its interim and final orders, to the end that the members of the General Assembly may better judge whether these actions serve the best interest of the citizens of North Carolina, individual and corporate.
 - b. Inquiring into the role of the North Carolina Utilities Commission, the Public Staff, and the several utility companies in the development of alternate sources of energy.
 - c. Submitting evaluations to the General Assembly, from time to time, of the performance of the North Carolina Utilities Commission, the Public Staff, and the various utilities operating in the State. A proposed draft of such evaluations shall be submitted to the North Carolina Utilities Commission, the Public Staff, and the affected public utilities prior to submission to the General Assembly, and the affected entity shall be given an opportunity to be heard before the Commission prior to the completion of the evaluation and its submission to the General Assembly.
- (12) To make reports and recommendations to the General Assembly, from time to time, on matters relating to the powers and duties set out in this section.
- (13) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting any of the duties of the Commission.
- (14) To review and evaluate changes in federal law and regulation, or changes brought about by court actions, as well as changes in technology affecting any

of the duties of the Commission, to determine whether the State's laws require modification as a result of those changes.

- (15) With regard to seafood and aquaculture:
- a. To monitor and study the seafood industry in North Carolina, including studies of the feasibility of increasing the State's production, processing, and marketing of seafood.
 - b. To study the potential for increasing the role of aquaculture in all regions of the State.
 - c. To evaluate the feasibility of creating a central permitting office for fishing and aquaculture matters.
 - d. To evaluate actions of the Division of Marine Fisheries of the Department of Environmental Quality, the Wildlife Resources Commission of the Department of Environmental Quality and of any other State or local government agency as such actions relate to the seafood and aquaculture industries.
 - e. To make recommendations regarding regulatory matters relating to the seafood and aquaculture industries including, but not limited to evaluating the necessity to substantially increase penalties for trespass and theft of shellfish and other aquaculture products.
 - f. To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting the seafood and aquaculture industries.
 - g. To review existing and proposed State law and rules affecting the seafood and aquaculture industries and to determine whether any modification of law or rules is in the public interest.
- (16) To receive reports alleging improper activities or matters of public concern listed in G.S. 126-84. The individual making the report may, at the individual's discretion, remain anonymous. Any report received under this subdivision, in whatever form, is confidential, shall not be a public record, as defined by G.S. 132-1, and becomes available to the public only as provided in G.S. 120-131. (1975, c. 490; 1981, c. 859, s. 87; 1996, 2nd Ex. Sess., c. 18, s. 7.4(a); 1997-443, s. 7.8(e); 2005-276, s. 6.7(a); 2006-203, s. 62; 2007-117, s. 2; 2011-291, s. 1.2(d); 2015-241, ss. 14.30(u), 31.16(b); 2015-264, s. 69(a); 2022-6, s. 15.1(a).)