

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1409

Short Title: Citizens Efficiency Commission.

(Public)

Sponsors: Representative Blust.

Referred to: Ways and Means, if favorable, Appropriations.

April 12, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A PERMANENT CITIZENS EFFICIENCY COMMISSION
3 AND TO REQUIRE EACH HOUSE TO VOTE ON ITS RECOMMENDATIONS,
4 SO AS TO PROVIDE A COUNTERVAILING FORCE TO PRESSURES IN THE
5 POLITICAL SYSTEM THAT RESULT IN WASTEFUL SPENDING AND
6 LOOPHOLES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 143 of the General Statutes is amended by adding a
9 new Article to read:

10 "Article 79.

11 "Citizens Efficiency Commission.

12 **"§ 143-740. Establish Commission.**

13 There is established a Citizens Efficiency Commission, to recommend to the
14 Governor efficiencies in government, with a procedure to ensure expedited
15 consideration by the General Assembly of its proposals.

16 **"§ 143-741. Commission Membership.**

17 The Commission shall consist of fifteen members appointed by the Governor.
18 Members shall be appointed for two-year terms commencing July 1, 2007, and
19 biennially thereafter. The Commission shall be an independent and bipartisan body of
20 citizens from the business and civic sector. A substantial number of the appointees
21 should possess prior governmental experience.

22 **"§ 143-742. Commission Duties.**

23 Each biennium, the Citizens Efficiency Commission may present separate
24 governmental efficiency proposals to the Governor. Any person may submit proposals
25 to the Commission. The Commission shall conduct public hearings on the
26 recommendations. The efficiency programs may include, but are not limited to, closing,
27 relocating, or merging State agencies and institutions, eliminating programs or
28 transferring them from one department to another.

29 **"§ 143-743. Consideration by Governor.**

1 (a) The Commission shall, by no later than July 1 of each even-numbered year,
2 transmit to the Governor a report containing the Commission's findings and conclusions
3 together with the Commission's recommendations for efficiency in government.

4 (b) The Governor shall, no later than November 30 of each year in which the
5 Commission makes recommendations, transmit to the Commission and to the General
6 Assembly a report containing the Governor's approval or disapproval of the
7 Commission's recommendations.

8 (c) If the Governor approves all the recommendations of the Commission, the
9 Governor shall transmit by December 15 of that year a copy of such recommendations
10 to the General Assembly, together with a certification of such approval. The
11 recommendations shall be separately numbered.

12 (d) If the Governor disapproves the recommendations of the Commission, in
13 whole or in part, the Governor shall transmit by December 15 to the Commission and
14 the General Assembly the reasons for that disapproval. The Commission shall then
15 transmit to the Governor, by no later than December 31 of the year concerned, a revised
16 list of recommendations for efficiency in government.

17 (e) If the Governor approves all of the revised recommendations of the
18 Commission transmitted to the Governor, the Governor shall transmit a copy of such
19 revised recommendations to the General Assembly by January 15, together with a
20 certification of such approval. The recommendations shall be separately numbered.

21 **§ 143-744. Legislative disapproval.**

22 (a) The Governor may not carry out any efficiency program recommended by the
23 Commission in a report transmitted to the General Assembly as provided by this Article
24 if a bill is enacted, disapproving the recommendations of the Commission before the
25 earlier of:

- 26 (1) The end of the 90-day period beginning on the date on which the
27 Governor transmits such report; or
28 (2) The adjournment of General Assembly sine die for the session during
29 which such report is transmitted.

30 (b) For purposes of this section, the days on which either house of the General
31 Assembly is not in session because of adjournment of more than three days to a day
32 certain shall be excluded in the computation of a period.

33 (c) For purposes of subsection (a) of this section, the term "bill" means only a bill
34 which is introduced within the 10-day period beginning on the next day the General
35 Assembly is in session after the date on which the Governor transmits the report to the
36 General Assembly under this article; and which:

- 37 (1) Does not have a preamble.
38 (2) The matter after the enacting clause of which is as follows: "The
39 General Assembly disapproves the recommendations of the Citizens
40 Efficiency Commission as submitted by the Governor on ", the blank
41 space being filled in with the appropriate date; and the number (s) of
42 the recommendations disapproved.
43 (3) The title of which is as follows: "An act disapproving the
44 recommendations of the Citizens Efficiency Commission."

1 (d) A bill described in subsection (c) of this section that is introduced shall be
2 referred to the appropriate committee in accordance with the rules of that house.

3 (e) If the committee to which a bill described in subsection (c) of this section is
4 referred has not reported such a bill (or an identical bill) by the end of the 20-day period
5 beginning on the date the bill is introduced, such committee shall be, at the end of such
6 period, discharged from further consideration of such bill, and such bill shall be placed
7 on the appropriate calendar of the house involved.

8 (f) On or after the third legislative day after the date on which the committee
9 to which such a bill is referred has reported, (or has been discharged under subsection
10 (e) of this section from further consideration of such a bill) it is in order (even though a
11 previous motion to the same effect has been disagreed to) for any member of the
12 respective house to move to proceed to the consideration of the bill. A member may
13 make the motion only on the day after the calendar day on which the member
14 announces to the house concerned the member's intention to make the motion, except
15 that, in the case of the House of Representatives, the motion may be made without such
16 prior announcement if the motion is made by direction of the committee to which the
17 bill was referred. The motion is privileged in the House of Representatives and is
18 privileged in the Senate and is not debatable. The motion is not subject to amendment,
19 or to a motion to postpone, or to a motion to proceed to the consideration of other
20 business. A motion to reconsider the vote by which the motion is agreed to or disagreed
21 to shall not be in order. If a motion to proceed to the consideration of the bill is agreed
22 to, the respective house shall immediately proceed to consideration of the bill without
23 intervening motion, order, or other business, and the bill shall remain the unfinished
24 business of the respective house until disposed of.

25 (g) Upon passage on third reading, the bill shall be transmitted to the other house
26 by special message.

27 (h) If, before the passage by one house of a bill of that house described in
28 subsection (c) of this section, that house receives from the other house a bill described
29 in subsection (c) of this section, then the following procedures shall apply:

30 (1) The bill of the other house shall not be referred to a committee and
31 shall be placed on the calendar for second reading the next legislative
32 day after receipt. If the bill passes third reading, it shall be enrolled and
33 transmitted to the Governor.

34 (2) If a bill is received from the other house, no action shall be taken on
35 the bill of the house receiving the bill, the duty being discharged by
36 taking up the bill of the other house.

37 (i) This section is enacted by the General Assembly as an exercise of the
38 rulemaking power of the Senate and House of Representatives, respectively, and as such
39 it is deemed a part of the rules of each house, respectively, but applicable only with
40 respect to the procedure to be followed in that house in the case of a bill described in
41 subsection (a), and it supersedes other rules only to the extent that it is inconsistent with
42 such rules; and with full recognition of the constitutional right of either house to change
43 the rules (so far as relating to the procedure of that house) at any time, in the same
44 manner, and to the same extent as in the case of any other rule of that house."

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SECTION 2. This act is effective when it becomes law.