

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

1

HOUSE BILL 678

Short Title: Legislative Transparency Act. (Public)

Sponsors: Representatives Ager and Logan (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

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

April 27, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE LEGISLATIVE TRANSPARENCY ACT AND TO
3 APPROPRIATE FUNDS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 120 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 37.

8 "General Assembly Transparency Act.

9 **"§ 120-315. Legislative findings.**

10 The General Assembly finds that a well-educated electorate is a prerequisite to democracy
11 and the people's business is best done with due notice and adequate transparency.

12 **"§ 120-316. Definitions.**

13 The following definitions apply in this Article:

- 14 (1) Committee. – Any standing committee, permanent subcommittee, or select
15 committee of either house created or authorized by the law or the rules of
16 either house or created by a joint resolution adopted by both houses and to
17 which bills are referred for consideration and report back to the house.
18 (2) Official meeting. – Defined in G.S. 143-318.10(d).

19 **"§ 120-317. Broadcasting of legislative sessions and committee meetings.**

20 (a) All sessions of the Senate and the House of Representatives shall be broadcast live by
21 streaming video (contemporaneous audio and video content) over the internet, shall be recorded,
22 and shall be archived in a manner that makes the video broadcast available for replay by the
23 public.

24 (b) Unless specifically exempted from Article 33C of Chapter 143 of the General Statutes
25 by G.S. 143-318.18, all official meetings of committees shall be broadcast live by streaming
26 video (contemporaneous audio and video content) over the internet, shall be recorded, and shall
27 be archived in a manner that makes the video broadcast available for replay by the public.

28 **"§ 120-318. Publication of calendars; meeting agendas; proposed committee substitutes.**

29 (a) No bill may receive either a second or third reading in either chamber unless the bill
30 appeared on the calendar published by that chamber's principal clerk's office at least 24 hours in
31 advance of the reading. This requirement may be waived by a two-thirds vote of the members of
32 the house present and voting. For purposes of this subsection, the calendar is published when the
33 Principal Clerk distributes it electronically to all members of the General Assembly and it is
34 posted on the General Assembly's website.



* H 6 7 8 - V - 1 *

1 **(b) No bill may be taken up for consideration in any committee unless the bill appeared**
2 **on the committee's agenda published by the clerk of the committee at least 48 hours in advance**
3 **of the committee's scheduled meeting. This requirement may be waived by a two-thirds vote of**
4 **the members of the committee present and voting. A vote to waive this requirement shall be by**
5 **a show of hands and may not be pursuant to a voice vote. For purposes of this subsection, a**
6 **committee agenda is published when the clerk to the committee distributes it electronically to all**
7 **members of the committee and it is posted on the committee page of the General Assembly's**
8 **website.**

9 **(c) No proposed committee substitute may be taken up for consideration in any**
10 **committee unless the proposed committee substitute has been distributed to all committee**
11 **members and made available to the public at least 24 hours in advance of the committee's**
12 **scheduled meeting. This requirement may be waived by a two-thirds vote of the members of the**
13 **committee present and voting. A vote to waive this requirement shall be by a show of hands and**
14 **may not be pursuant to a voice vote.**

15 **"§ 120-319. Limitation on meeting times.**

16 **Neither the Senate nor the House of Representatives, nor both meeting in joint session, may**
17 **hold session before 7:00 A.M. or after 9:00 P.M. This requirement may be waived by a two-thirds**
18 **vote of the members of the house present and voting and does not apply to first reading of bills.**

19 **"§ 120-320. Use of voice votes; pending amendments.**

20 **(a) All votes on amendments offered on the floor of either chamber shall be taken using**
21 **the electronic voting apparatus or by calling the roll of the house. No amendment may be adopted**
22 **by voice vote. This requirement may be waived by a two-thirds vote of the members of the**
23 **committee present and voting.**

24 **(b) No motion to adjourn shall be in order if any amendment is pending before the**
25 **chamber. This requirement may be waived by a two-thirds vote of the members of the committee**
26 **present and voting. If this requirement is waived, then the amendments shall be taken up as the**
27 **first item on the calendar for the next legislative day and the bill may not have a second or third**
28 **reading until the amendments have been voted on or withdrawn from consideration.**

29 **"§ 120-321. Composition of Committee on Rules.**

30 **(a) Each chamber's Committee on Rules shall be composed as follows:**

31 **(1) One member who resides in each of the State's congressional districts.**

32 **(2) The Majority Leader and the Minority Leader who shall be in addition to the**
33 **members appointed pursuant to subdivision (1) of this subsection.**

34 **(b) The Majority Leader of each chamber shall call the first meeting of the committee**
35 **within seven calendar days after it is constituted. The Deputy President Pro Tempore shall preside**
36 **at the first meeting of the Senate Committee on Rules, and the Speaker Pro Tempore shall preside**
37 **at the first meeting of the House Committee on Rules. At the first meeting, the members of each**
38 **committee shall elect a chair. Neither the Majority nor the Minority Leader of either chamber is**
39 **eligible to become the chair of the committee.**

40 **"§ 120-322. Applicability.**

41 **This Article applies to regular sessions and extra sessions on legislative call as provided in**
42 **Section 11 of Article II of the North Carolina Constitution as well as extra sessions and**
43 **reconvened sessions convened by the Governor as provided in Section 5 of Article III of the**
44 **North Carolina Constitution."**

45 **SECTION 2.** G.S. 120-32 reads as rewritten:

46 **"§ 120-32. Commission duties.**

47 The Legislative Services Commission is authorized to:

48 (1) Determine the number, titles, classification, functions, ~~compensation, and~~
49 ~~other conditions of employment and compensation~~ of the joint legislative
50 service employees of the General Assembly, including ~~but not limited to~~ the
51 following ~~departments~~:divisions, offices, and functions:

- 1 a. ~~Legislative Services Officer and personnel.~~Office and Administrative
2 Services.
- 3 b. ~~Electronic document writing system.~~Information Services Division.
- 4 e. ~~Proofreaders.~~
- 5 d. ~~Legislative printing.~~
- 6 e. ~~Enrolling clerk and personnel.~~Clerk.
- 7 f. Legislative Analysis Division and Legislative Library.
- 8 g. ~~Research and bill drafting.~~Legislative Drafting Division.
- 9 h. ~~Printed bills.~~
- 10 i. ~~Disbursing and supply.~~
- 11 j. ~~Program evaluation.~~Evaluation Division.
- 12 k. Fiscal Research Division.
- 13 (1a) Temporary employees of the General Assembly are exempt from the
14 provisions of G.S. 135-3(8)c., as to compensation earned in that status.
- 15 (2) Determine the classification and compensation of employees of the respective
16 houses other than staff elected officers; however, the hiring of employees of
17 each house and their duties shall be prescribed by ~~the rules and administrative~~
18 ~~regulations of the respective house;~~the member in whose office the employee
19 serves.
- 20 (2a) Obtain a criminal history record check of a prospective employee, volunteer,
21 or contractor of the General Assembly. The criminal history record check shall
22 be conducted by the State Bureau of Investigation as provided in
23 G.S. 143B-972. The criminal history report shall be provided to the
24 Legislative Services Officer and is not a public record under Chapter 132 of
25 the General Statutes.
- 26 (3) Acquire and dispose of furnishings, furniture, equipment, and supplies
27 required by the General Assembly, its agencies and commissions and maintain
28 custody of same between sessions. It shall be a Class 1 misdemeanor for any
29 person(s) to remove any state-owned furniture, fixtures, or equipment from
30 the State Legislative Building for any purpose whatsoever, except as approved
31 by the Legislative Services ~~Commission;~~Commission.
- 32 (4) Contract for services required for the operation of the General Assembly, its
33 agencies, and commissions; however, any departure from established
34 operating procedures, requiring a substantial expenditure of funds, shall be
35 approved by appropriate resolution of the General ~~Assembly;~~Assembly.
- 36 (5) a. Provide for engrossing and enrolling of bills, and
37 b. ~~Appoint~~ appoint an enrolling clerk ~~Enrolling Clerk~~ to act under its
38 supervision in the enrollment and ratification of ~~aets;~~acts.
- 39 (6) a. Provide for the duplication and limited distribution of copies of ratified
40 laws and joint resolutions of the General Assembly and forward ~~such~~ the
41 copies to the persons authorized to receive same;~~the copies.~~
- 42 b. Maintain ~~such~~ records of legislative activities and publish ~~such~~ documents
43 as it may deem appropriate for the operation of the General
44 ~~Assembly;~~Assembly.
- 45 (7) a. Provide for the indexing and printing of the session laws of each regular,
46 ~~extra or special~~ extra, or reconvened session of the General Assembly and
47 provide for the printing of the journal of each house of the General
48 ~~Assembly;~~Assembly.
- 49 b. Provide and supply to the Secretary of State ~~such~~ bound volumes of the
50 journals and session laws and of these publications in electronic format as

1 may be required by the Secretary of State to be distributed under the
2 provisions of G.S. 147-45, 147-46.1 and 147-48.

- 3 (8) Repealed by Session Laws 1985 (Regular Session, 1986), c. 1014, s. 40(c).
4 ~~(9) To establish a bill drafting division to draft bills at the request of members or~~
5 ~~committees of the General Assembly.~~
6 (10) To select the locations for buildings occupied by the General Assembly, and
7 to name any building occupied by the General Assembly.
8 (11) To specify the operating and capital uses within the General Assembly budget
9 of funds appropriated to the General Assembly which remain available for
10 expenditure after the end of the biennial fiscal period, and to revert funds
11 under G.S. 143C-1-2.
12 (12) Provide insurance to provide excess indemnity for any occurrence which
13 results in a claim against any member of the General Assembly, as provided
14 in G.S. 143-300.2 through G.S. 143-300.6. That insurance may not provide
15 for any indemnity to be payable for any claim not covered by the above cited
16 statutes, nor for any criminal act by a member, nor for any act committed by
17 a member or former member prior to the inception of insurance.
18 (13) Provide insurance to provide excess indemnity for any occurrence that results
19 in a claim against any employee, officer, or committee, subcommittee, or
20 commission member in the legislative branch other than a member of the
21 General Assembly, as provided in G.S. 143-300.2 through G.S. 143-300.6.
22 That insurance may not provide for any indemnity to be payable for any claim
23 not covered by the above cited statutes, nor for any criminal act, nor for any
24 act committed prior to the inception of insurance."

25 **SECTION 3.** G.S. 120-36.1 reads as rewritten:

26 **"§ 120-36.1. Fiscal Research Division of Legislative Services Commission established.**

27 There is hereby established the Fiscal Research Division of the Legislative Services
28 Commission, which shall be solely a staff agency of the General Assembly, shall be responsible
29 to the General Assembly through the Commission, and shall be independent of all other officers,
30 agencies, boards, commissions, divisions, and other instrumentalities of State government. ~~The~~
31 ~~Division shall not be subject to the Executive Budget Act or the North Carolina Human~~
32 ~~Resources Act."~~

33 **SECTION 4.** Article 7B of Chapter 120 of the General Statutes is amended by adding
34 a new section to read:

35 **"§ 120-36.7A. Legislative Analysis Division established; duties.**

36 The Legislative Analysis Division (LAD) of the Legislative Services Commission is
37 established as a staff agency of the General Assembly. The purpose of the Division is to:

- 38 (1) Provide committee counsel and other professional staff to legislative
39 committees during the legislative session and as assigned during the interim
40 between legislative sessions. LAD staff shall assist committee chairs and
41 committee members by analyzing bills before the committees, preparing
42 amendments and committee substitutes, and assisting with parliamentary
43 inquiries.
44 (2) Prepare amendments for bills debated on the floor of either chamber.
45 (3) Operate a legislative library.
46 (4) Respond to information requests from members related to State and federal
47 laws and rules.
48 (5) Draft bills for introduction to the extent such drafts are not prepared by the
49 Legislative Drafting Division.
50 (6) Assist with any other assignments designated by the Legislative Services
51 Commission or the Legislative Services Officer."

1 SECTION 5.(a) G.S. 120-36.16 reads as rewritten:

2 **"§ 120-36.16. Powers and duties of Joint Legislative Program Evaluation Oversight**
3 **Committee.**

4 (a) The Committee has the following powers and duties:

- 5 (1) Repealed by Session Laws 2018-101, s. 1, effective June 26, 2018.
6 (2) To establish and adopt a biennial work plan for the Division that describes the
7 evaluations to be performed by the Division and the measurability
8 assessments to be administered by the Division pursuant to Chapter 143E of
9 the General Statutes. The Committee shall consult with the Director in
10 performing this duty.
11 (2a) To receive status updates on the activities of the Division.
12 (3) To review evaluation reports submitted by the Division and measurability
13 assessments administered by the Division.
14 (3a) To determine if any legislation or other action of the General Assembly is
15 needed to implement the Division's recommendations.
16 (4) To consult as necessary with an oversight committee or another committee
17 established in this Chapter about an evaluation report concerning a program
18 or an activity of a State agency, or a program or an activity of a non-State
19 entity, that is within that committee's scope of study.
20 (5) To recommend to the General Assembly any changes needed to implement a
21 recommendation that is included in an evaluation report of the Division or any
22 changes needed to implement a recommendation of the Committee.

23 (b) Notwithstanding any rule to the contrary adopted by either the Senate or the House of
24 Representatives, if the Committee recommends legislative action by a vote of two-thirds of the
25 membership of the Committee, the proposed legislation shall be eligible to be introduced in the
26 House of Representatives and shall be eligible for consideration by both chambers. The vote
27 required by this subsection shall be by roll call with the ayes and noes being recorded in the
28 Committee's minutes."

29 SECTION 5.(b) Notwithstanding any other provision of law, the Legislative
30 Services Commission (LSC) shall reestablish and fully staff the Program Evaluation Division at
31 the same level and to the same extent as it was staffed as of January 1, 2021. The LSC shall
32 complete this task no later than July 1, 2021.

33 SECTION 5.(c) Notwithstanding any other provision of law, the Speaker of the
34 House of Representatives and the President Pro Tempore of the Senate shall appoint members to
35 the Joint Program Evaluation Oversight Committee and shall designate cochairs no later than
36 July 1, 2021.

37 SECTION 6. Article 7D of Chapter 120 of the General Statutes reads as rewritten:

38 "Article 7D.

39 "Legislative Drafting Division; Codification of Statutes.

40 **"§ 120-36.20. Legislative Drafting Division established; duties.**

41 The Legislative Drafting Division (LDD) of the Legislative Services Commission is
42 established as a staff agency of the General Assembly. The purpose of the Division is to:

- 43 (1) Draft bills at the request of members or committees of the General Assembly.
44 (2) Provide committee counsel to the House and Senate Appropriations
45 Committees. LDD staff shall assist the appropriations committee chairs and
46 committee members by analyzing bills before the committees, preparing
47 amendments and committee substitutes, and assisting with parliamentary
48 inquiries.
49 (3) In coordination with the Fiscal Research Division, assist the House and Senate
50 Appropriations Committees, develop the Current Operations Appropriations

1 bill and other bills appropriating funds, and prepare amendments for those
2 bills when they are debated on the floor of either chamber.

3 (4) Proofread and electronically format all bill drafts and committee substitutes
4 and engross all floor amendments.

5 (5) Provide staff to the General Statutes Commission and for the codification of
6 statutes pursuant to G.S. 120-36.21.

7 (6) Assist with any other assignments designated by the Legislative Services
8 Commission or the Legislative Services Officer.

9 **"§ 120-36.21. Codification of Statutes.**

10 The Legislative Services Officer shall assign to staff of the ~~General Assembly~~ Legislative
11 Drafting Division the following duties:

12 (1) To supervise the recodification of all the statute law of North Carolina and
13 supervise the keeping of such recodifications current by including therein all
14 laws hereafter enacted by supplements thereto issued periodically, all of which
15 recodifications and supplements shall be appropriately annotated.

16 (2) In order that the laws of North Carolina, as set out in the General Statutes of
17 North Carolina, may be made and kept as simple, as clear, as concise and as
18 complete as possible, and in order that the amount of construction and
19 interpretation of the statutes required of the courts may be reduced to a
20 minimum, to establish and maintain a system of continuous statute research
21 and correction. To that end the staff shall:

22 a. Make a systematic study of the general statutes of the State, as set out
23 in the General Statutes and as hereafter enacted by the General
24 Assembly, for the purpose of ascertaining what ambiguities, conflicts,
25 duplications and other imperfections of form and expression exist
26 therein and how these defects may be corrected.

27 b. Consider such suggestions as may be submitted with respect to the
28 existence of such defects and the proper correction thereof.

29 c. Prepare for submission to the General Assembly from time to time
30 bills to correct such defects in the statutes as its research discloses.

31 **"§ 120-36.22. Revisor of Statutes.**

32 The member of the staff of the ~~General Assembly~~ Legislative Drafting Division who is
33 assigned to perform the duties prescribed by G.S. 120-36.21(2) shall be known as the Revisor of
34 Statutes."

35 **SECTION 7.** G.S. 126-5(c1) reads as rewritten:

36 "(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this
37 Chapter shall not apply to:

38 ...

39 (3) Officers of the General Assembly and employees of the respective houses of
40 the General Assembly-Assembly as referenced in G.S. 120-32(2).

41"

42 **SECTION 8.** G.S. 143-318.18(4b) is repealed.

43 **SECTION 9.(a)** There is appropriated from the General Fund to the General
44 Assembly the sum of three million seven hundred ninety-five thousand twenty-two dollars
45 (\$3,795,022) for the 2021-2022 fiscal year to be allocated as follows:

46 (1) \$2,440,022 in recurring funds for 19 full-time equivalent positions as provided
47 in Section 5(b) of this act.

48 (2) \$65,000 in recurring funds for ongoing audio and video streaming of all
49 legislative sessions and legislative committee meetings.

50 (3) \$1,290,000 in nonrecurring funds to be used for the purchase of audio and
51 video equipment.

1 **SECTION 9.(b)** There is appropriated from the General Fund to the General
2 Assembly the sum of two million five hundred five thousand twenty-two dollars (\$2,505,022) in
3 recurring funds for the 2022-2023 fiscal year to be allocated for the purposes set out in
4 subdivisions (1) and (2) of subsection (a) of this section.

5 **SECTION 10.** This act becomes effective July 1, 2021.