

February 18, 2009

**H 221. OVERSIGHT OF LICENSING BOARDS.** Filed 2/18/09. *TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.*

Amends GS 120-70.101 by removing from the list of powers and duties for the Joint Legislative Administrative Procedure Oversight Committee the requirement to prepare a notebook that contains administrative rules and by adding the requirement to review the activities of state occupational licensing boards. Amends GS 93B-2 by requiring that each occupational licensing board file its annual report and its financial report by October 31 of each year (was, no specified deadline). Establishes that the failure of a board to comply with reporting requirements will result in a suspension of the board's authority to collect fees until the reports have been filed. Makes a clarifying change and a change to the caption. Amends GS 93B-4 to require that the State Auditor audit occupational licensing boards from time to time to ensure proper operation. Allows the State Auditor to contract with independent professionals to meet this requirement. Requires each occupational licensing board with a budget of \$50,000 or more to conduct an annual financial audit of its operations. Amends GS 93B-5 to establish training for board members within six months of the board member's initial appointment, and at least once every two years thereafter, on the statutes governing the board and the rules adopted by the board, as well as specified state laws, to better understand the obligations and limitations of a state agency. Makes a conforming change to the caption. Effective October 1, 2009.

**Intro. by Goodwin.**

GS 93B, 120

April 6, 2009

**H 221. OVERSIGHT OF LICENSING BOARDS.** Filed 2/18/09. House committee substitute makes the following changes to 1st edition. Adds to proposed GS 120-70.101(3a) that the review of the activities of the state occupational licensing boards by the Joint Legislative Administrative Procedure Oversight Committee (Committee) does not include decisions concerning board personnel matters or determinations on individual licensing applications or individual disciplinary actions.

Amends GS 93B-2 to require that the annual report that each occupational board must file with the Secretary of State, the Attorney General, and the Committee must include (1) the number of official complaints received involving licensed and unlicensed activities and (2) the number of disciplinary actions taken against licensees, or other actions taken against nonlicensees, including injunctive relief. Clarifies that suspension of a board's authority to collect fees does not affect the board's duty to issue and renew licenses or the validity of any application or license for which fees have been tendered.

Amends proposed GS 93B-4(b) to require that each occupational licensing board required to conduct an annual financial audit of its operations provide a copy of that audit to the State Auditor.

Amends proposed amended GS 93B-5 to specify that board member training may be received either from the board's staff, including its legal advisor, or from an outside educational institution such as UNC's School of Government. Makes other clarifying changes regarding training requirements.

Repeals GS 120-70.103 (Exercise of duty to maintain a notebook of approved rules).

June 3, 2009

**H 221. OVERSIGHT OF LICENSING BOARDS.** Filed 2/18/09. Senate committee substitute makes the following changes to 2nd edition. Amends GS 93B-2(d) to clarify that an occupational licensing board that fails to file required reports *by October 31 of each year* will have its authority to expend funds suspended until the required reports are filed. Directs each occupational licensing board (1) to adopt rules establishing a procedure for implementing subsection (d) and

(2) to maintain an escrow account for the depositing of any fees paid during a board's period of suspension under this subsection.

June 22, 2009

**SL 2009-125 (H 221). OVERSIGHT OF LICENSING BOARDS.** *AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.*

Summarized in *Daily Bulletin* 2/18/09, 4/6/09, and 6/3/09. Enacted June 19, 2009. Effective October 1, 2009.