

Jack Betts

Action in the 1986 Legislature?

Eliminating Boards and Commissions in the Executive Branch

by Jim Bryan

A bill before the N.C. General Assembly (Senate Bill 726) would abolish 67 boards, commissions, or councils in the executive branch. At its best, the system of state boards enhances citizen participation in state government. At its worst, this system perpetuates inactive or ineffective boards, growing like kudzu over the process of government. In an update of its three-year study, the N.C. Center recommends that 62 of the 67 boards in SB 726 be abolished during the 1986 legislative session. The legislature should also begin to take steps to find a way to monitor the overall system of boards and commissions in the executive branch on a regular basis.

In the 1986 session of the N.C. General Assembly, lawmakers will resume a 20-year debate where, more often than not, rhetoric has won out over action. This debate has focused on reducing the size of government through the repeal of ineffective or inactive state boards and commissions. The task ought to be a matter of simply "getting rid of a bunch of dead wood," says Speaker of the House Liston B. Ramsey (D-Madison). But if cries of foul heard last year from supporters of such boards as the Alcoholism Research Authority or the Governor's Council on Physical Fitness and Health are any indication, the fight is far from over.

In 1985, Senate Bill 726 ("An Act to Abolish Certain Executive Branch Boards and to Consolidate the Functions of Other Boards") targeted 67 boards to be abolished—one of every five boards, commissions, and councils within the executive branch of state government. Sen. Anthony Rand (D-Cumberland), the bill sponsor, predicted a savings of \$2 million by eliminating these 67 boards, which he called inactive, ineffective, and duplicative. Rand, who chairs the powerful Senate Appropriations Committee on the Base Budget, guided the bill through the Senate late in the session. But the House of Representatives balked.

"By the time 30 different lobbyists had objected to particular provisions in the bill, I decided this thing needed more study," says Rep. Paul Pulley (D-Durham). Pulley chairs the House Judiciary IV Committee, where the bill went after Senate passage. Rather than kill it on the spot and raise the ire of the Senate, Pulley chose to hold it over for action in the 1986 session, which begins June 5. "My goal is to give the bill a fair hearing," says Pulley.

While not a topic at the average breakfast table, abolishing boards and commissions brings to the fore issues that strike a responsive chord in most North Carolinians—efficient use of tax dollars and citizen participation in state government. Nearly 4,000 persons serve on state boards. At their best, boards allow citizens to participate in state government and to have their advice and concerns brought into the stream of decision-making. Appointed by various state officials, these citizens help make government's rules and

regulations, advocate for various issues, and take other actions that affect the lives of every person in the state. But these boards cost money and also contribute to a growing state bureaucracy.

North Carolina's boards cost only one-tenth of one percent of the state's \$6 billion budget.¹ But unproductive boards have a larger ripple effect, contributing to the image—and often the reality—of a slow, inefficient bureaucracy. State employees staffing the ineffective boards must divert their attention from other pressing work. Slow-moving boards, sometimes inadvertently, tend to delay policy decisions. In recent years, trimming the number of boards and commissions has been seen as one way of saving taxpayers money. "If Gov. Jim Martin and the legislators want to find some ways to save tax money or divert it to more productive use, the myriad of boards, councils, commissions, and advisory commissions offer a fertile field," urged the *Goldsboro News-Argus* in a Jan. 29, 1985 editorial.

Cost savings, however, must be viewed in a larger context. Eliminating boards for the sake of saving tax dollars might produce less effective government. Take a technical issue like endangered plant species. The members of the N.C. Plant Conservation Scientific Committee bring a broad range of viewpoints on endangered species to the attention of Department of Agriculture staff. "This information would not be easily obtained without the assistance

of the individuals currently on the Scientific Committee," explains June Brotherton of the department's Public Affairs Division, in a letter to the N.C. Center for Public Policy Research. The N.C. Center recommended in its 1985 report, *Boards, Commissions, and Councils in The Executive Branch of North Carolina State Government*, that the functions and activities of the N.C. Plant Conservation Scientific Committee be consolidated with those of the N.C. Plant Conservation Board.

Jim Bryan has been a research analyst at the N.C. Center for Public Policy Research since 1981. He is a principal author of the N.C. Center's book, Boards, Commissions, and Councils in the Executive Branch of North Carolina State Government, published in 1985.

"My goal is to give the bill a fair hearing."

*—Rep. Paul Pulley
(D-Durham)*



At an average cost of \$14,731 per board, the price tag seems relatively cheap. "Many boards and commissions offer the only opportunity for planned input on a continuing basis by citizens with expertise," says Lucy Bode, former deputy secretary of the Department of Human Resources. "A state agency cannot afford to buy this expertise."

Many boards enhance the level and quality of citizen input into government operations. Boards often hold public hearings and promote public education efforts, which involve thousands of people in the process of government. At four public hearings across the state in the spring of 1986, for example, the Human Relations Council heard from community leaders and local officials on minority employment problems, extremist group activities, and criminal justice concerns. Through media coverage and its final report on the meetings, the council hopes to focus public and governmental attention on pressing issues.

Former Secretary of Natural Resources and Community Development Joseph Grimsley describes this kind of citizen contribution to government in a broad context. "There is a strong history of boards and commissions giving citizens access to the executive branch and keeping the bureaucracy within reach," says Grimsley. "Citizen involvement on boards and commissions is a deep psychological piece of the state's consciousness."

Perhaps the element of state boards that creates the greatest stir among North Carolinians

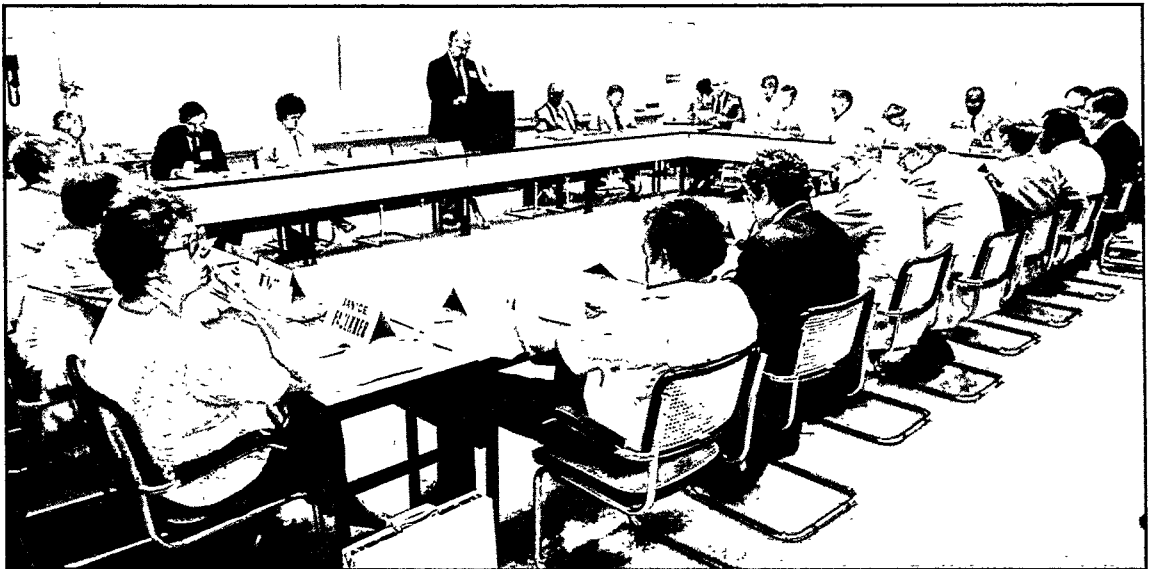
is politics. An appointment to a board is a well-known form of political patronage, the ol' plum. "Several governors have used these things as just a pat on the back to reward some supporters or big contributors," says Speaker Ramsey. "That's been going on for the last 40 years, since I've been around."

Take the case of the two most recent governors. Five of Gov. James G. Martin's six 1985 appointees to the State Ports Authority contributed more than \$1000 to his 1984 campaign. Similarly, at least half of former Gov. James B. Hunt Jr.'s 22 appointees to the Economic Development Board contributed to his 1976 gubernatorial campaign.

In addition to overt political patronage, citizen boards provide elected officials with a means to keep in touch with their constituents. State Auditor Edward Renfrow says that having the Board of Directors of the N.C. Firemen's and Rescue Squad Workers's Pension Fund under his guidance gives him "direct contact with a statewide constituency and an outlet to express what the State Auditor is all about."

In considering Senate Bill (SB) 726, the 1986 legislature must determine whether the 67 boards in the bill are unnecessary. Specific criteria for weighing the usefulness of the boards is important, together with an awareness of political realities. Governor Martin would lose nearly 600 appointments if all 67 boards were abolished. Since 1985, the bill has languished in the House,

The State Health Coordinating Council, which includes citizens from around the state, listens to presentation. "Citizen involvement on boards and commissions is a deep psychological piece of the state's consciousness," says Joseph Grimsley, cabinet secretary during Gov. James B. Hunt Jr.'s administration. *Photograph by Michael Matros*



and Martin has left many of these appointments unfilled. Such appointments present an opportunity for a new governor to put his stamp on state policymaking. Even so, a governor like Martin, who has called for reduced government, might view the reduction of boards as a plus.

Speaker Ramsey is anticipating an uproar over the bill. "People are going to holler that we are taking power away from the Governor by eliminating these boards and their appointments," says Ramsey. Since Martin, a Republican, took office in 1985, tensions have existed between the executive branch and the legislature, controlled by Democrats. In addition, the legislative and executive branches have traditionally bickered over turf, even when both branches were controlled by Democrats. The bill "is a bipartisan effort," says House Republican Minority Leader Betsy Cochrane (R-Davie). "But if there are provisions in the bill to eliminate the Governor's powers intentionally, we would have problems with it."

While the fate of the 67 specific boards under SB 726 is the specific issue facing the 1986 session, a means of monitoring the *system* of all boards and commissions will concern the legislature for years to come. Both the executive and legislative branch need to look at state boards *as a system* that requires careful management. If that system is taken care of, the state will continue to benefit from what boards offer best: citizen advice, a statewide perspective, focusing attention on problems, educating the public, preventing concentrations of power, and serving as sounding boards and pressure valves.

But few mechanisms exist to keep the growth of boards in check. "We have got to continue this process or else everyone is going to want a board of their own sooner or later," says Senator Rand.

What criteria should the legislature use in considering the 67 boards in SB 726? In addition, what mechanism can the legislature use to monitor this issue on more than a case-by-case basis so that the ultimate gain of citizen participation in government is fully realized?

Reorganization Turns To Boards

In 1968, Gov. Dan K. Moore appointed a panel to study how to consolidate and streamline a myriad of state agencies. More than 300 departments, offices, agencies, boards, commissions, and councils operated independently of one another, all demanding time from the Governor and attention (and often money) from the legislature. (Of these 300 plus groups, about 160 were executive branch boards, commissions, and councils.) The panel concluded that the executive branch was plagued with fragmentation, service duplication, and program inefficiencies.

In response to the recommendations of Moore's panel, the 1969 N.C. General Assembly approved legislation for a public referendum on a constitutional amendment to reorganize state government into no more than 25 principal administrative departments.² The public approved the amendment by a two-to-one margin. In 1971, Gov. Robert W. Scott continued the process by calling on the legislature to pass a major reorganization bill. The 1971 and 1973 legislatures passed executive reorganization acts which together placed the major state agencies into 10 departments under the governor's control and nine under the leadership of Council of State officials.³ All state boards fell under this structure. During reorganization efforts from 1969 to 1975, the number of executive branch boards stayed at about 160,

though the administrative structure for those boards became more clearly defined.

During the administration of Governor Hunt (1977-85), however, the number of boards doubled. In 1977 alone, the Hunt administration created 19 boards while the legislature enacted 21, according to new N.C. Center research. The climb continued until 1983, when the number of boards was about twice the 1977 total, some 320 compared to 160. Since 1983, the total number has stayed at about 320, with some new boards being created and some abolished (see Table 1). The legislature created 17 boards in 1983, four in 1984, and 12 in 1985, for a total of 33 new boards. It abolished 11 in 1983,

"(The bill) is a bipartisan effort. But if there are provisions in the bill to eliminate the Governor's powers intentionally, we would have problems with it."

—Rep. Betsy Cochrane
(R-Davie)



**Table 1. Boards Abolished or Created by
the N.C. General Assembly, 1983-85**

<u>ABOLISHED</u>	<u>CREATED</u>
1983	1983
1. Community Colleges Advisory Council	1. Administrative Rules Review Commission, Governor's
2. Earth Resources Council	2. Agricultural Facilities Finance Agency, N.C. Board of Directors
3. Human Resources, Board of	3. Alarm Systems Licensing Board
4-10. Inmate Labor Commission	4. Computer Commission
- Eastern Area	5. Contract Appeals, Board of State
- North Central Area	6. Crime Victims Compensation Commission
- North Piedmont Area	7. Energy Board, Southern States
- South Central Area	8. Energy Development Authority
- South Piedmont Area	9. Farmworker Council, N.C.
- Western Area	10. Housing Commission, N.C.
- Statewide	11. Institute of Medicine, N.C., Board of Directors
11. Standardization Committee	12. Low-Level Radioactive Waste Management Compact Commission, Advisory Committee to the N.C. Members of the Southeast Interstate
1984	13. Low-Level Radioactive Waste Management Compact Commission, Southeast Interstate
12. Chowan River Regional Task Force	14. Management Council, Governor's
13. Commercial and Sports Fisheries Advisory Committee	15. Roanoke Voyages Corridor Commission
14. Crime Prevention and Public Information Committee	16. Sheriffs' Education and Training Standards Commission, N.C.
15. Disabled Persons, Task Force on the International Year of	17. Technological Development Authority Board, N.C.
16-20. Education and Training Advisory Committees	1984
- Statewide	18. Bicentennial of the United States Constitution, Commission on the
- Eastern Region	19. Cherokee, N.C. Advisory Council on the Eastern Band of the
- North Central Region	
- South Central Region	
- Western Region	
21. Employment Security Commission Advisory Council*	
22. Future of North Carolina, Commission on the	

—table continued next page

26 in 1984, and five in 1985, for a total of 42. Governor Hunt continued to create new boards through executive orders, launching three new groups in 1984, his last year in office. Governor Martin began four new groups during his first year while abolishing nine (see Table 2, page 13).

The doubling in the number of boards from 160 in 1977 to about 320 in 1983 reflected the

growth in state government in general. New boards advised and made policy on everything from economic development, a science and mathematics school, public broadcasting, and ethics, to disabled persons, Indians, domestic violence, and waste management. Boards tackled problems of housing, testing of students in public schools, highway safety, and recognition of state employees. More-

**Table 1. Boards Abolished or Created by
the N.C. General Assembly, 1983-85, *continued***

ABOLISHED

1984, cont.

- 23. Highway Contract Oversight Commission, N.C.
- 24. Incentive Pay for State Employees, Committee for
- 25. Land Conservancy Corporation, N.C., Board of Trustees
- 26. New Horizons Task Force
- 27. Occupational Education Research Services Advisory Council
- 28. Oil Re-refining Facility, N.C., Board of Directors
- 29. Private Schools Advisory Committee
- 30. Retired Senior Executives Advisory Committee
- 31. Sudden Infant Death Syndrome Project Council
- 32. Theatre Project, Edwin Gill, Selection Committee
- 33. Triad Park Commission
- 34. Water Policy Advisory Committee to Sec. 208 of Clean Water Act
- 35. Water Quality Council
- 36. Water Safety Council, N.C.
- 37. Roanoke Voyages Corridor Commission

1985

- 38. Child Day Care Licensing Commission
- 39. Employment and Training Council, Community
- 40. Employment and Training Council, North Carolina
- 41. Marine Resources Center Administrative Board, N.C.
- 42. Private Industry Council, Balance of State

CREATED

1984, cont.

- 20. Hazardous Waste Treatment Commission
- 21. Roanoke Voyages and Elizabeth II Commission

1985

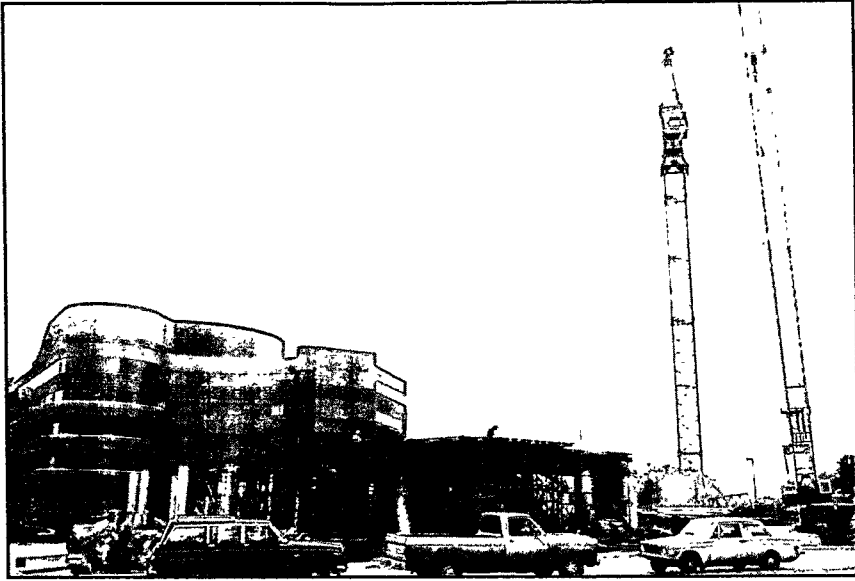
- 22. Adolescent Pregnancy and Prematurity Prevention, Advisory Board for
- 23. Andrew Jackson Historic Memorial Committee
- 24. Child Day Care Commission
- 25. Employment Security Commission Advisory Council
- 26. Holocaust, N.C. Council on
- 27. Jobs and Economic Growth, N.C. Commission on
- 28. Job Training Coordinating Council, N.C. State
- 29. Medical DataBase Commission, N.C.
- 30. Natural Areas, Advisory Committee on Voluntary Registration and Dedication of
- 31. Teachers' and State Employees' Advisory Committee of Plan Participants
- 32. Teachers' and State Employees' Advisory Committee of Plan Providers
- 33. Teaching, N.C. Center for Advancement of, Board of Trustees

* This board was eliminated in 1984 and recreated in 1985.

over, federal law provided the incentive for state government to set up more groups for public transportation, day care, and employment and training, to name a few. "The number of boards keeps growing like kudzu," said N.C. Center for Public Policy Research Executive Director Ran Coble in 1985, when the N.C. Center released its boards and commissions report. "Too much kudzu will choke

off useful citizen participation."

Ironically, as the number of boards grew, the N.C. General Assembly was trying to curb the growth of state government. In 1977, the legislature created the Governmental Evaluation, or "Sunset," Commission, to review and make recommendations on about 100 state agencies, mostly occupational licensing boards.⁴ The sunset law



Development projects—their location and the jobs they offer—form part of the agenda of the state Economic Development Board. At least half of former Gov. James B. Hunt Jr.'s 22 appointees to this board contributed to his 1976 gubernatorial campaign. *Photograph by Jack Betts*

provided for automatic termination of these agencies on a certain date unless continued by the General Assembly. The eight-member Sunset Commission, which included gubernatorial appointees and legislative members, would first examine the licensing boards and certain regulatory groups, such as the controversial Coastal Resources Commission and Environmental Management Commission.⁵ If all went well, so the plan went, the commission would later tackle the remaining hundreds of boards, commissions, and agencies.

After four years of work, the commission had written a spotty record. It succeeded in convincing the legislature to examine the statutory authority of many agencies, to increase fees to keep certain boards self-supporting, and to add more public members to other boards. In addition, the spirit of evaluating government took hold outside the Sunset Commission's purview. Other legislative committees unearthed eight unnecessary boards in 1977 and 17 in 1979; the legislature abolished all 25.⁶ Casualties included the Sir Walter Raleigh Commission and the Secondary Roads Council.

The legislature had a tougher time accepting the recommendations of the Sunset Commission to abolish certain occupational licensing boards. Licensed professionals did "not want to lose the benefits and status that licensing confers," concluded the Institute of Government in its summary of the 1979 session.⁷ Lobbied hard by these licensing groups, the legislature abolished just five

licensing boards, only two of which were active at the time—the watchmakers and water well contractors boards. The Sunset Commission's annual appropriation of \$200,000 prompted some members of the General Assembly to wonder if its costs outweighed its benefits.

In 1981, North Carolina became the first state to abolish its Sunset Commission;⁸ 35 states had such commissions by then. (As of June 1985, 38 states have sunset commissions, according to Francis Berry at the Council of State Governments.) But the General Assembly stayed in the "sunset" business by creating a new Legislative Committee on Agency Review.⁹ Composed solely of legislators, the committee reviewed many of the regulatory laws in the original charge to the old Sunset Commission. The Committee on Agency Review made its final report to the 1983 legislature and did not recommend the abolition of any boards; the committee itself then ended.¹⁰ But by 1983, the word on inactive and ineffective boards and commissions had gotten around.

During the 1983 session, Speaker Ramsey called for a review of inactive boards through the House committee structure. Ramsey was willing to terminate those groups that were obviously dormant, such as the Board of Human Resources and the Earth Resources Council. But he stopped short of a more wholesale cutback on the number of boards or of establishing a monitoring process for the creation of new boards. Instead, the Speaker

and others pushed legislation to authorize the Legislative Research Commission (LRC) to establish a Study Committee on Executive Branch Boards, Commissions, and Councils. With both the Sunset Commission and the Committee on Agency Review now abolished, this new study committee became the main legislative forum for evaluating questionable boards.

The Legislative Research Commission, however, provided the study committee with only a \$5,000 budget—hardly the kind of resources necessary for a full-fledged study.

The committee was able to consider only inactive boards in its three meetings, but its work resulted in the 1984 legislature abolishing 25 inactive boards.¹¹ In every case, the agency officials who had worked with the executive branch boards agreed to the action, so little controversy emerged. The Hunt administration, for example, acknowledged that the N.C. Land Conservancy Corporation Board of Directors could be eliminated because it hadn't met since the late 1970s and because of the successful land stewardship efforts of the N.C. Nature Conservancy, Inc., a private non-profit organization. In letting the Edwin Gill Theater Project Selection Committee die, the Department of Public Instruction felt that in-house staff could better select theatrical groups for performances at public schools.

The 1984 legislature also expanded a sunset law passed in 1983 concerning *non-statutory* boards. Non-statutory boards are those created by the governor through executive order and by department heads through directives. Nearly one-third of all boards are non-statutory. The 1983 legislature had imposed a two-year limit, or sunset date, on boards created by the governor.¹² The 1984 law extended the sunset provision to include boards created by all other executive officials.¹³

In both the 1983 and 1984 acts, the legislature allowed the Governor, in creating a board, to set an expiration date for the board. However, the legislation was unclear on whether there was a two-year ceiling on a board's life or whether the Governor could establish any future termination date.¹⁴ For example, in a 1985 executive order

reauthorizing the Juvenile Justice Planning Committee, Governor Martin set the expiration date at June 30, 1989. This lack of legislative clarity needs to be resolved. Despite this technical problem, the 1983 and 1984 acts represented the first legislative effort to develop a system of monitoring these boards.

During 1983 and 1984, legislative leaders depended in large part for their research upon materials being gathered by the N.C. Center for Public Policy Research (see sidebar on page 10).

Having served on various committees, I have drawn up a list of rules: Never arrive on time; this stamps you as a beginner. Don't say anything until the meeting is half over; this stamps you as being wise. Be as vague as possible; this avoids irritating the others. When in doubt, suggest that a sub-committee be appointed. Be the first to move for adjournment; this will make you popular; it's what everyone is waiting for.

— Harry Chapman,
Greater Kansas City
Medical Bulletin,
1963 issue.

No organization within or outside of state government had ever attempted to evaluate the effectiveness of all the boards and commissions that existed in the state.¹⁵ Even Governor Hunt's office, which had to fill appointments to most boards, did not have a complete list. No single repository of information existed on the current boards, much less who served on them, how often they met, and what they did.

In 1983, the N.C. Center released its preliminary research. Then in December 1983, N.C. Center staff made a formal presentation to the LRC Study Committee on Executive Branch Boards, Commissions, and Councils, at this committee's request. In 1985, when the final report came out, Governor Martin had just been sworn into office. And Martin was looking for an opportunity to come through on a campaign promise—to make government more efficient, especially with savings to the taxpayers.

A Bipartisan Approach to Trimming the Fat

In his first month in office, Martin created a Special Counsel for State Boards, Commissions, and Agencies to review current boards and recommend consolidation and elimination wherever appropriate. The Governor named J. Arthur Pope to the special counsel's position.¹⁶ Pope surveyed the executive branch for information on boards, paying particular attention to non-statutory boards created by former Governor Hunt and his agency heads. Pope realized he had a new and valuable tool in the 1984 sunset provision limiting all such boards to a life of two years without reauthorization.

"I want to compliment the General Assembly on passing that sunset provision," says Pope. "It has forced many boards to reconsider whether they are necessary."

Acting on Pope's recommendations, Martin terminated nine boards created through executive order by Hunt, including the Governor's Advisory Committee on Agriculture, Forestry, and Seafood Industry (see Table 2, page 13). Martin reauthorized 13 other Hunt boards through executive order, including four mandated by federal law. These 13 boards passed Martin's test for efficiency: They served a worthwhile government function. For example, the N.C. Small Business Advocacy Council addressed an area important to the Governor's economic development priorities. The Martin administration also reviewed boards created by the legislature by state statute. Martin recommended that 21 statutory boards be abolished and enlisted Senate Minority Leader William W. Redman (R-Iredell) to sponsor legislation to accomplish such action.

But Martin wasn't alone in his abolitionist movement. After the N.C. Center released its

N.C. Center Evaluates Boards

In 1981, the N.C. Center for Public Policy Research began what became a long, tedious, even overwhelming evaluation of every board, commission, and council in the executive branch of state government. Because no organization had ever attempted such an in-depth review of the entire executive branch, the baked clay landscape was indeed difficult to till.

In January 1985, the N.C. Center released the results of its study in a 618-page volume, analyzing 320 boards. The N.C. Center included a board in the report if it was based in the executive branch, had citizen appointments, and permanent stature. Certain types of boards were excluded from the study. Among the more common were short-term task forces (Task Force on Drunken Driving), legislative study commissions (Mental Health Study Commission), and commissions whose appointees are full-time, salaried state employees (N.C. Utilities Commission). Of the 320 included, the N.C. Center found 222 worth their weight but recommended the abolishment of 98.

The study concentrated on four areas, which relate to the overall system of boards and to each individual board as well: appointments of

women, blacks, and Indians, separation of powers questions, cost concerns, and board powers. In making recommendations for abolishing 98 boards, the N.C. Center also considered how active each board was, whether agency policymakers used the board, and whether it duplicated work done by another board.

Regarding appointments, the Center found that boards did not represent the cross-section of N.C.'s population in terms of women, blacks, and Indians. Gov. James B. Hunt Jr. (1977-85), for example, had 2,882 board seats to which he could make appointments. As of June 30, 1982, 28.1 percent of these appointments were women, 13 percent black, and 1.4 percent Indians. But 51.4 percent of the N.C. population are women and 22.4 percent are black. Only Indians were appointed in proportion to their representation in the population (1.1 percent in N.C.) by Governor Hunt, but they were underrepresented on numerous powerful boards.

Abolishing these 98 boards would save the state at least \$1.4 million, the N.C. Center

—continued next page

report, Lt. Gov. Robert B. Jordan III also urged the quick repeal of *non-controversial* boards, and Speaker Ramsey called some boards a "waste of taxpayers' money." The legislature had created two-thirds of the 320 boards in the executive branch. How many would it be willing to abolish?

Early in the 1985 session, Senate Base Budget Committee Chairman Tony Rand of Fayetteville instructed legislative staff to draft a bill along the lines of N.C. Center recommendations. Twenty-five of the N.C. Center's 98 targeted boards had already been repealed by the 1984 legislature. Sixty-two of those remaining plus five others were put in Senate Bill 726. Of these 67 boards in the bill, 30 were statutory; almost all of the remaining boards were created by executive order or by department secretaries' directives.

The leading abolitionists—Martin, Redman, Rand, Ramsey, and Rep. Bobby Etheridge (D-

Harnett)—had planned a strategy of working together in a spirit of bipartisanship. Unfortunately, a mixup occurred which got the legislative initiative off on the wrong foot. Governor Martin asked Sen. Redman to introduce the administration's bill. Redman then introduced what he thought was Martin's bill. In actuality, Redman filed a draft version of Rand's bill. The Democrats then accused Redman of trying to upstage their work. Governor Martin apologized for the mistake, admitting having "egg on our face," but urged cooperation nonetheless on the issue.

But once ownership was established, the legislature seemed to go about business as usual—mostly *creating*, not abolishing boards. In 1985, the legislature established 12 new boards, including the N.C. Medical DataBase Commission¹⁷ and the Advisory Board for Adolescent Pregnancy and Prematurity Prevention.¹⁸ Reversing a

reported. All 320 boards cost the state a total of \$4.7 million a year, three-quarters of which is for staff support and one-fourth for board member expenses. The cost of a single board varied from \$332,482 to \$0 (58 of the 320), according to the agency officials who completed the surveys sent out by the N.C. Center. The \$0 figure is misleading, however, for two reasons. All boards are staffed by agency employees (even nominally for those boards that didn't meet); this staff time costs the state's taxpayers. Second, every time board appointments need filling, state officials spend time screening potential appointees, often a laborious process juggling patronage, expertise, geographical distribution, and other factors.

In reviewing the impact of separation of powers issues, the report found that as of August 1984, legislators held 142 positions on 56 executive branch boards. These appointments remained despite the language of the N.C. Constitution: "The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct."

In early 1986, Governor Martin took the position that legislators should not serve on executive branch boards and contemplated legal action to remedy the situation. The Martin administration asked the N.C. Supreme Court for

an advisory opinion on whether legislators can serve on advisory boards and commissions, but the Court rejected the request May 21.

Overall, the N.C. Center portrayed a state system of boards that needed attention. News accounts in 48 papers and 28 supporting editorials from across the state highlighted the problems discussed in the report. "Too many boards and commissions clutter state government," concluded an editorial in *The Sentinel* of Winston-Salem. "Few have anything really significant to do, other than to boost the egos of those chosen to serve on them. Reducing the number would serve both efficiency and economy."

Other newspapers raised additional points after reviewing the N.C. Center's report. "When Gov. Jim Martin was on the campaign trail, he made a point of an efficiency study," begins the January 30 editorial in *The Enquirer-Journal* of Monroe. "Among the places the Governor can look for improved efficiency is the executive branch—a bastion with a healthy belief in establishing boards."

In the final analysis, the issues raised in the report remain with the N.C. General Assembly. As *The News and Observer* of Raleigh summed it up, "The N.C. Center for Public Policy Research has dropped another issue in the lap of the General Assembly."

1984 termination, the honorables reenacted the Employment Security Commission Advisory Council, presumably to comply with a federal mandate.¹⁹ And hidden in an appropriations bill was a special provision to give statutory authority to a board which previously existed by virtue of an executive order—the non-statutory Andrew Jackson Historic Memorial Committee. This committee had received an unfavorable review by Martin and hence was scheduled for termination until the legislature came to the rescue.²⁰ The N.C. Council on the Holocaust, previously established by executive order, also was given statutory authority in 1985.²¹

The 1985 legislature did formally abolish three boards already defunct in practice, all of which were part of the federal Comprehensive Employment and Training Act (CETA) structure. The CETA structure had been replaced by the Job Training Partnership Act. But—you guessed it—the legislature had to *create* a new board to advise the governor on job training, the N.C. State Job Training Coordinating Council.²²

But give credit where it is due. The 1985 deliberations resulted in a new and perhaps model approach for reviewing and dealing with the issue of duplication. The legislature *abolished* the N.C. Marine Resources Center Administrative Board *and consolidated its functions* under the Marine Science Council.²³

Despite all these actions, Senator Rand's bill still lay on hardened soil, like unwatered seed, while the kudzu kept poking its way through the Carolina clay. When the Senate finally turned its attention to the issue on July 12, the bill seemed to sprout quickly. At the time, the Senate perceived an immediate need to reduce the state's budget. Governor Martin was pushing a multi-million-dollar tax cut while President Ronald Reagan continued his efforts to cut federal funding of domestic programs. Seeing a \$2 million savings in his bill, Rand recalls, "We looked at the broader picture."

But the finer points within the legislation required some tough decisions the House was not ready to make in the last week of the 1985 session. "The problem arises when a legislator is

dealing with constituents who firmly believe a particular board does extremely good work," explains Representative Pulley.

Consideration of Future State Policies on Citizen Advisory Boards

Senate Bill 726 contains difficult policy choices. At first glance, each board slated for repeal may have merit. Who could deny, for example, the importance of public radio or veterans' affairs? On the other hand, does the state need both a Public Radio Advisory Committee and a Board of Telecommunications Commissioners? Likewise, does the state need a Veterans' Affairs Advisory Committee, a Governor's Jobs for

Veterans Committee, and a Veterans Affairs Commission? Having more than one board addressing very similar problems is not the only issue. Determining how government programs can be administered for the least cost is also important. But in the final analysis, the question becomes one of need. Does every worthy program within state government deserve or need its own advisory group? In other words, to get the job done, do executive officials need so many citizen advisory councils?

The bill examines and makes recommendations on a case-by-case method. It contains no sections addressing the need

"First we ought to abolish unnecessary boards. Then we ought to put a ceiling on the number."

—House Speaker Liston
B. Ramsey (D-Madison)



for a continuous monitoring effort or for some sort of means for limiting the growth of boards. Currently, no comprehensive executive or legislative oversight system exists for such boards and commissions. The Sunset Commission could have provided the proper oversight had it not been abolished in 1981, as could the Legislative Committee on Agency Review. The LRC Study Committee on Executive Branch Boards, Commissions, and Councils stuck to debating only non-controversial proposals to abolish boards and left the tough decisions for another day. To make 1986 that "other day," SB 726 would have to be amended. Or a brand-new bill would have to be introduced in either chamber on a suspension of rules and sent along the normal course of legislative action.

Controlling the size of the state board system could occur by placing a ceiling on the number of boards that can exist within each executive branch department, as suggested in the N.C. Center's 1985 report.²⁴ Three factors would come into play in determining the proper numbers: the number of existing boards in executive branch departments, the relative size of departmental budgets and number of state employees in each, and the general principle of no more than one board per division within a department. Department heads would still need some flexibility to establish a few groups to address problems of statewide significance.

A second approach for controlling the number of boards would be for the legislature to place a ceiling on the number of boards that could exist for all 10 departments under the control of the governor. Concurrently, the General Assembly

might limit the number of boards that could exist in the nine departments headed by other elected officials. This alternative allows department heads to decide which boards are useful and effective yet still limits the overall number of boards. In its 1985 report, the N.C. Center offered this approach with the following recommended ceilings (number of boards): governor (150), superintendent of public instruction (20), commissioner of agriculture (10), commissioner of labor (5), state treasurer (5), attorney general (5), commissioner of insurance (5), state auditor (1), secretary of state (0), and lieutenant governor (0). This approach would reduce the number of boards in state government by 135.

Speaker Ramsey strongly supports a ceiling. "First we ought to abolish unnecessary boards," says Ramsey. "Then we ought to put a ceiling on the number."

Table 2. Boards Terminated, Reauthorized, or Created by Governor James G. Martin, 1985

Terminated	Reauthorized
1. Agriculture, Forestry, and Seafood Industry, Governor's Advisory Committee on	1. Domestic Violence, Governor's Task Force on
2. Capital Area Visitor Services Committee	2. Ethics Board, N.C.
3. Citizen Affairs Advisory Council	3. Family Planning Advisory Council, State
4. Data Processing and Information Systems Committee	4. Health Coordinating Council, State
5. Governmental Productivity, Governor's Commission on	5. Highway Safety Commission, Governor's
6. Judicial Nominating Committee for Superior Court Judges	6. Holocaust, N.C. Council on the
7. Labor Market Information, Governor's Oversight Committee for Official	7. Juvenile Justice Planning Committee
8. Non-Public Education, Special Advisory Committee on	8. Military Affairs, Governor's Commission on
9. Public Management Program, Advisory Board for	9. Public Transportation Advisory Council, N.C.
	10. Small Business Council, N.C.
	11. State Employees, Governor's Commission on Recognition of
	12. Travel and Tourism, Governor's Advisory Committee on
	13. Vocational Education, N.C. Advisory Council on
	Created New Groups
	14. Child Victimization, Governor's Commission on
	15. Education Selection Committee, Governor's Program of Excellence in
	16. Minority Executives, Governor's Council on
	17. Women's Economic Development Council

Others are skeptical of the idea. "If there is a legitimate need for a board," says Representative Pulley, "what do you do if you have reached your limit?" Analysts generally doubt that either executive officials or lawmakers would be willing to take tough stands when it came time to abolish one board in order to create another.

Systems of caps on the number of boards are not the only ways to monitor the overall number of boards and commissions. A third alternative is for the legislature to place an automatic sunset provision on *statutory* boards, just as it did in 1984 on all *non-statutory* boards. A sunset system of some sort "would weed out boards that are inactive and should improve efficiency and ultimately reduce the number of boards," says Art Pope. This may be accomplished by creating a permanent oversight commission not too different from the now-defunct Sunset Commission or simply requiring reauthorization within a certain number of years whether the board is reviewed or not. If no group is established to review specifically a board's contributions and costs, however, the General Assembly would no doubt reauthorize many boards in a pro forma way, without considering abolishing them.

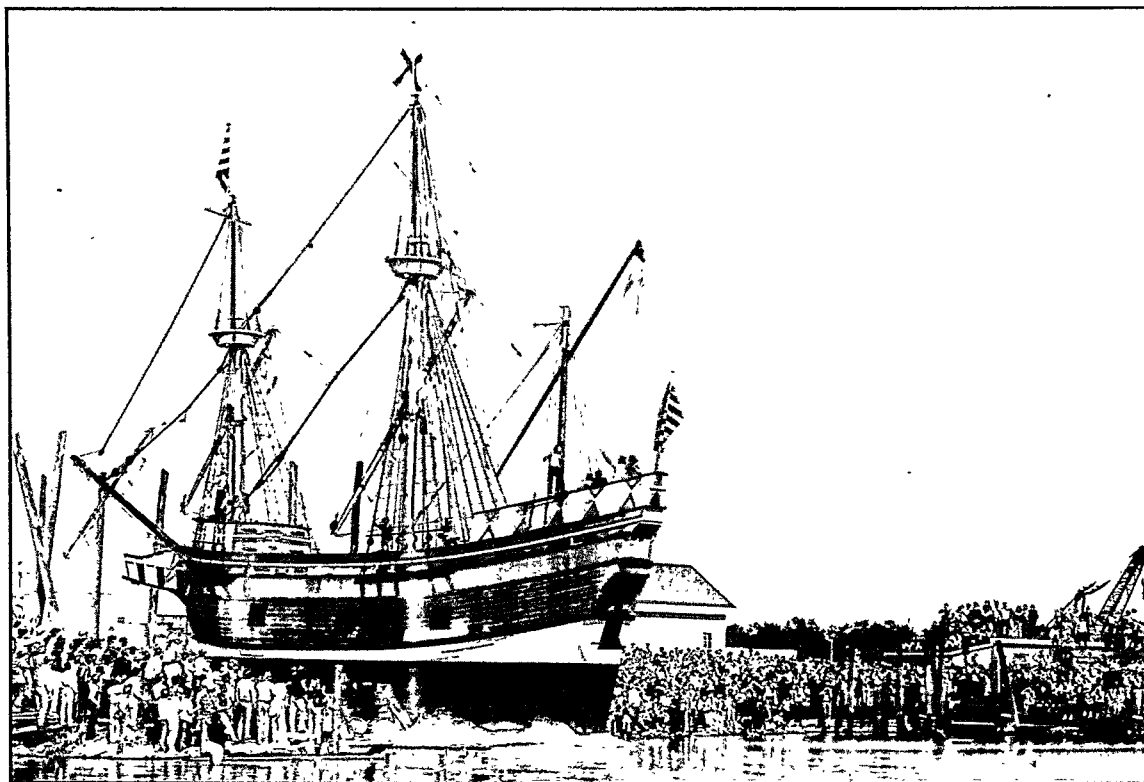
Even if the legislature does not address the systemic problems with the expanding number of boards and commissions, it will have to make case-by-case decisions on the 67 groups in SB 726. In its three-year study, the N.C. Center decided which boards should be abolished by using four criteria:

- whether boards have met infrequently and become inactive;
- whether boards have duplicated the functions of other boards;
- whether boards have local, not statewide emphasis; and
- whether state programs and agency staff can function effectively without a citizen board.

Boards Have Met Infrequently or Become Inactive

Generally, boards that meet infrequently or not at all represent the kind of board that could easily be abolished. "They're not harming anybody and ought to be wiped from the books," says Ramsey. Such boards, while at first instrumental in getting a program off the ground, soon find themselves without work to do. The N.C. Center found that 10 of the 67 boards targeted by SB 726

Elizabeth II, launched July 1984 in Manteo, inspired the creation of the Roanoke Voyages and Elizabeth II Commission, a citizen board targeted in Senate Bill 726 for a 1987 sunset date. *Courtesy N.C. Department of Cultural Resources*



were inactive (see Table 3, pages 16-19).

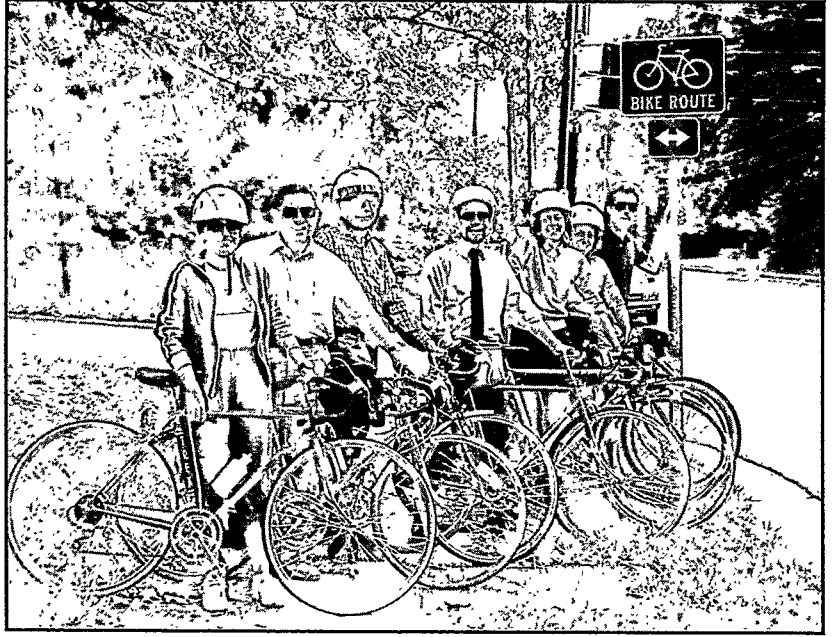
In the case of the Wanchese Harbor Citizens Advisory Council, one of those found inactive, chairman Randy O'Neal felt having local people involved in the initial stages of the harbor development was absolutely necessary, "but afterwards the council was not worth continuing." The federal funding of a key component of the Wanchese industrial park project—the Oregon Inlet jetties—has been held up in Congress for several years. Consequently, the council has not met in several years. For all intents and purposes, it does not plan to reactivate.

Despite such logic, some inactive boards have strong advocates. In 1984, Department of Natural Resources and Community Development (NRCD) officials defended the continuation of the Lake Phelps Advisory Committee. "Although the committee has been inactive, NRCD wants to reserve the flexibility of calling the committee back into place if issues emerge." Another state official, who disagrees with the assumption that inactivity always means a board is worthless, likens the logic to "taking out the hotel sprinklers because there is not a regularly scheduled fire."

Boards Have Duplicated the Functions of Other Boards

An even tougher decision on whether a board is necessary involves the area of duplication. Senate Bill 726 takes the approach of consolidating the functions of some boards into those of another board with related functions or duties. The N.C. Center found that 38 of the 67 groups overlap or duplicate functions.

Most people agree, in theory, with the notion that two boards need not do the work of one. "When you have five or six boards giving ideas to staff on similar subjects, I am not convinced the state needs to pay reimbursement to (the board) members, much less pay for staff time," says Representative Cochrane. Until recently, Cochrane served on a board targeted in SB 726, the N.C.



N.C. Bicycle Committee and agency staff use a "field trip" to review the agencies' program. *Photograph by Ellen Holding*

Advisory Council on Teacher Education. In addition to this group, there is a State Selection Committee for Teacher of the Year and a State Evaluation Committee on Teacher Education, as well as the State Board of Education.

Another possible case of duplication exists with the N.C. Commission on Jobs and Economic Growth. Created by the 1985 legislature and placed under the supervision of the Office of Lieutenant Governor Jordan, the commission is charged with identifying major economic challenges facing the state and developing practical proposals for both executive and legislative branches.²⁵ However, this mission happens to track closely the effort and functions of Governor Martin's Economic Development Board and the Department of Commerce.

"This group is an example of clear duplication of effort and functions," says Alan V. Pugh, Governor Martin's chief political aide. "With its own full-time staff, this duplication becomes expensive."

Lieutenant Governor Jordan disagrees. "I sit on the Economic Development Board. That is a very worthwhile group which oversees the day-to-day operations of the Department of Commerce," says Jordan. "The Commission on Jobs and Economic Growth was established to recommend long-range policies and innovative initiatives for improving North Carolina's overall economy.

— continued page 20

**Table 3. Boards Scheduled for Abolition
in Senate Bill 726, By Type of Board
and Reason(s) Board Should be Abolished**

I. Statutory Boards	Section in Bill	Inactive	Duplicates	Not Statewide	Can Function w/out Board
1. Agricultural Hall of Fame, N.C., Board of Directors	61				X
2. Alcoholism Research Authority, N.C.	48		X		
3. Anatomy, Commission of	78				X
4. Archaeological Advisory Committee	15		X		X
5. Arthritis Program Committee, N.C.	43				X
6. Art Museum Building Commission	28	X	X		
7. Blind, Professional Advisory Committee to the Commission for the	83		X		
8. Governor Morehead School for the Blind, Board of Directors	84		X		
9. Deaf, Board of Directors of North Carolina School for the	87		X		
10. Executive Mansion Fine Arts Committee	76			X	X
11. Highway Historical Marker Committee, North Carolina	20		X		
12. Historic Murfreesboro Commission	69			X	
13. Historic Bath Commission	74			X	
14. Historical Commission, Edenton	73			X	
15. Indian Housing Authority, N.C. State	5	X			
16. John Motley Morehead Memorial Commission	70			X	
17. National Park, Parkway, and Forests Development Council, N.C.	65		X		
18. Physical Fitness and Health, Governor's Council on	47		X		X

KEY: Inactive — have met infrequently and become inactive.
 Duplicates — have duplicated the functions of other boards.
 Not Statewide — have local, not statewide, emphasis.
 Can Function w/out Board — state programs and agency staff can function effectively without a citizen board.

Table 3, continued

I. Statutory Boards <i>continued</i>	Section in Bill	Inac- tive	Dupli- cates	Not State- wide	Can Func- tion w/out Board
19. Plant Conservation Scientific Committee, N.C.	58		X		
20. Public Radio Advisory Committee	53		X		
21. Reservoir Committee, John H. Kerr	93			X	
22. Roanoke Voyages and Elizabeth II Commission	77 ¹			X	X
23. Rural Electrification Authority, N.C.	68				X
24. Tryon Palace Commission	72			X	
25. Veterans' Affairs Advisory Committee	55		X		
26. Veterans Committee, Governor's Jobs for	56		X		
27. Wanchese Harbor Citizens Advisory Council	13	X			
II. Non-Statutory Boards (established by Governor's executive order)					
28. Capital Area Visitor Services Committee	19	X		X	X
29. Labor Market Information, Governor's Oversight Committee for Official	12		X		
30. Management and Develop- ment, Inc., North Carolina Council on	33		X		
31. Management Excellence, Committee for Recog- nition of	9		X		
32. U.S.S. Monitor Technical Advisory Committee	18	X			
33. U.S.S. Monitor Research Council	18	X			
34. Non-Public Education, Special Advisory Committee on	34		X		X
35. Public Management Program, Advisory Board for	8		X		
36. Ridesharing, Governor's Task Force on	41	X			
37. State Employees, Governor's Commission for Recognition of	7		X		

¹ A sunset provision should be placed on this commission so that it ceases to exist at the end of the commemoration of the Roanoke Voyages, Dec. 31, 1987.

Table 3, continued

III. Non-Statutory Boards (established by Secretaries' directives)	Section in Bill	Inac- tive	Dupli- cates	Not State- wide	Can Func- tion w/out Board
38. Coastal Energy Impact Advisory Board	40	X			
39. Community Work Experience Program Advisory Committee	3		X		X
40. County Manager's Advisory Committee	3		X		X
41. Employer Advisory Committee, State	11		X		
42. Film Advisory Committee	24		X		
43. Independent Living, Advisory Committee on Comprehensive Services for	3	X			
44. Lake Phelps Advisory Committee	39			X	
45. Law-Focused Education Advisory Committee	2		X	X	X
46. Library Processing Center Advisory Committee, State	22		X		
47. Library Networking Steering Committee, North Carolina	23		X		
48. Library Services & Construction Act Continuing Education Advisory Committee	21		X		
49. Neuse-White Oak Citizen Advisory Committee	94			X	
50. Outdoor North Carolina Advisory Panel	1	X			
51. Rehabilitation Centers for the Physically Disabled, State Advisory Committee on	3				X
52. Teacher Education, State Evaluation Committee on	46		X		
53. Teacher of the Year State Selection Committee	45		X		
54. Teacher Education, North Carolina Advisory Council on	44		X		
55. Theater Arts Advisory Board	26		X		

KEY: **Inactive** — have met infrequently and become inactive.
Duplicates — have duplicated the functions of other boards.
Not Statewide — have local, not statewide, emphasis.
Can Function w/out Board — state programs and agency staff
can function effectively without a citizen board.

Table 3, continued

III. Non-Statutory Boards, <i>continued</i>	Section in Bill	Inac- tive	Dupli- cates	Not State- wide	Can Func- tion w/out Board
Vocational Education Groups (56-62) 56. Agricultural Education, Advisory Committee on 57. Business & Office Education Advisory Committee 58. Health Occupation Education Advisory Committee 59. Home Economics Education State Advisory Committee 60. Industrial Arts Education Advisory Committee 61. Marketing and Distributive Education Advisory Committee 62. Trade and Industrial Education, State Advisory Committee for	42 42 42 42 42 42 42		X X X X X X		
IV. Boards That Should Be Deleted From Senate Bill 726 63. Arson Awareness Council, N.C. 64. Employment and Training Council, Community 65. Employment and Training Council, N.C. 66. Private Industry Council, Balance of State 67. Occupational Information Coordinating Committee, State (SOICC)	14 36 35 37 4	Reason Council established by insurance industry, and all members but ex-officio members are appointed by private insurance companies. Already abolished in Chapter 543 (HB 1333), Sec 6 of 1985 Session Laws Already abolished in Chapter 543 (HB 1333), Sec. 6 of 1985 Session Laws Already abolished in Chapter 543 (HB 1333), Sec. 6 of 1985 Session Laws Federal Law (P.L. 98-524, Section 423(b)), reads, "Each State receiving assistance under this Act [Carl D. Perkins Vocational Educa- tion Act] shall establish a State occupational information coor- dinating committee...."			

—continued from page 15

This is an idea group made up of some of the best minds from our business, government, and academic communities. I believe the work of both the commission and the Economic Development Board to be of service to the state."

The gains of consolidation, however, are mixed. On the one hand, transferring the functions of one *board* to another means that the program itself is not lost and that citizen input will continue in that area, though not through the same board. For instance, veterans might take solace knowing that if SB 726 passed, the Veterans' Affairs Commission would assume the responsibilities of the Governor's Jobs for Veterans Committee. On the other hand, moving functions around does not necessarily mean great savings for state government that would show up in terms of dollars being turned back to the state treasury. "If staff time is the main board expense," says Art Pope, "you haven't eliminated much cost." Pope points out that the staff still has to stay abreast of issues, the most time-consuming aspect of staffing a board. On the other hand, the same staff will have more time to spend actually serving the public instead of preparing for four to six board meetings a year.

Others fear that absorbing a group into a similar board may mean that some valuable functions will be lost. The Governor's Commission on the Recognition of State Employees, for example, gives awards to state employees.

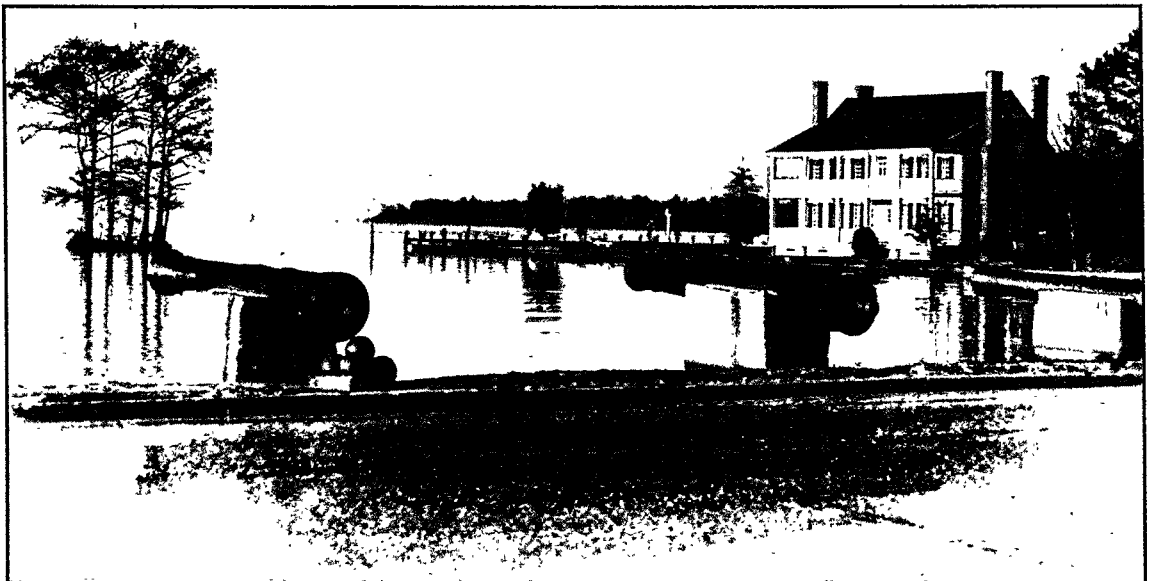
"Each time you stir up that much positive verbal recognition for 60 to 70 nominees, you raise the standards of everybody's work," asserts Mary Ann Gilmore, who chaired this commission under former Governor Hunt. The functions of this commission, under SB 726, would be folded into those of the State Personnel Commission, which may or may not continue the recognition process. (The legislature could mandate by statute that the State Personnel Commission incorporate this recognition process into its responsibilities.)

Boards Have Local, Not Statewide, Emphasis

Most boards are statewide in focus or address significant policy questions of concern to a majority of North Carolina citizens. The Economic Development Board, for example, advises the governor on economic development matters of statewide concern. A handful of boards, however, may be more local in emphasis and may not represent the kind of undertaking the state ought to support with staff and funding. These boards would seem to be better placed at the local level. The N.C. Center research uncovered 12 such boards which would be abolished by SB 726 (see Table 3).

Think of all the boards that might exist—and hence state money spent—if every reservoir had a board like the John H. Kerr Reservoir Committee, every major river had a board like the Neuse-White

The Barker House, which contains the Edenton Historical Commission staff offices overlooks the Albemarle Sound. *Courtesy N.C. Division of Archives and History*



Oak Citizen Advisory Committee, and every historic site had a board like the Edenton Historical Commission.

"I don't think you need the Kerr Reservoir Committee. That is something the locals should have, those who are most directly interested," says Representative Cochrane. In instances such as this, state government is performing a service that a local government may be better suited to provide. "Private foundations could take over the historic sites or local governments could keep them operative through local support," adds Pope.

Yet each one of these existing state boards has a constituency and often a track record. The proposal to eliminate the Neuse-White Oak Citizens Advisory Committee drew this response from NRCDC: "There exists a strong state role in water quality management. This committee provides valuable input into water quality management for the Neuse-White Oak. It has been very active."

In support of the Edenton Historical Commission, Rep. Charles Evans (D-Dare) explains, "There's no more active group. They raise \$50,000 to \$60,000 a year in private funds, and they're also an advisory group to the Department of Cultural Resources." Cochrane, who has gone down the list of boards in SB 726, believes some of those with a local focus *do* have merit. Historic sites deserve a state-level board, she says, if they "benefit the entire state." The question gets even more complicated when legislators learn that Historic Murfreesboro, Historic Hillsborough, and the John Motley Morehead Memorial each has its own state commission even though none of them is an official state historic site.

State Programs Can Function Effectively Without a Citizen Board

While every board will have advocates for its existence, some boards either go beyond the normal governmental function or add an extra layer of formality to a regular governmental task. The N.C. Center found 14 such boards which are up for repeal in SB 726. What is common to all 14 is—to put it simply—they don't need to exist in order for the job to get done effectively. Agency staff members are capable of performing the particular governmental service without the input of a citizen board. Deciding whether to axe these boards is easy in some cases and difficult in others.

Some large government programs go without citizen input, while others get an overdose.

Cancer and heart disease, for example, rank as serious health problems in North Carolina, and government efforts to address these problems are properly overseen by the Commission for Health Services and the N.C. Health Coordinating Council. Yet, a less serious disease, arthritis, currently rates its own advisory board, the N.C. Arthritis Program Committee; hence SB 726 has slated this committee for abolition.

By contrast, consider the Governor's Council on Physical Fitness and Health. Do private citizens need a governmental council to tell them to exercise and eat well? Physical fitness and health are certainly admirable goals and could have a profound impact on government—savings on long-term Medicare and Medicaid costs, for example. But this council's main activity has been to sponsor a Governor's Run for Fun, adding to the heavy schedule of road races now open even to the most amateur joggers. The council has not grappled with tougher health and fitness issues, such as whether to warn North Carolinians that "smoking is harmful to your health," as the U.S. Surgeon General and Congress advise. But now enter the U.S. Olympic Festival '87, scheduled for the Triangle area in 1987. The festival planners have turned to the Governor's Council on Physical Fitness and Health as one of its liaisons with state government. Does this new function help to justify its existence? Or does it just argue for a sunset provision, so that it will expire after the 1987 sports festival?

Will Speaker Ramsey Have His Way?

Like so many issues of public policy, this one won't go away, regardless of what action the legislature takes in 1986. New initiatives in government will always generate the need for citizen participation in developing state policies and programs. The recent creation of the N.C. Technological Development Authority reflects the changing world of technology as it affects economic development, for example. With this constant growth, though, some *system* needs to be in place to ensure that boards don't strangle the process of government in a kudzu-like fashion.

If a board can't accomplish much because it doesn't meet enough, or if it performs work already done by another, or if it exists for something other than a statewide cause, or if it lives beyond its original purpose, or if its sole reason for being is political patronage, then it is helping to strangle state government.

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER NUMBER 49

SPECIAL ADVISORY COMMITTEE FOR NON-PUBLIC EDUCATION

WHEREAS, there is a need to bring together leaders in private, independent, and church related non-public elementary and secondary schools and representatives of the citizenry at large to advise the Governor on matters of mutual concern to the State and to non-public schools.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the Special Advisory Committee for Non-Public Education.

Section 2. The Special Advisory Committee shall be composed of not more than fifteen (15) persons to be appointed to serve at the pleasure of the Governor. The members shall be representative of the various non-public schools.

In 1985, Gov. James G. Martin did not re-authorize the Special Advisory Committee for Non-Public Education. Senate Bill 726 includes this "non-statutory" board on its list to be abolished.

"Sometimes you can make boards more effective by broadening the scope or changing the purpose," says Randy O'Neal, a Hunt appointee to two boards—the Seafood Industrial Park Authority and Wanchese Harbor Citizens Advisory Council. "Instead of creating a new board, you could add extra duties to an existing one."

Boards are effective when they involve citizens, provide advice state agencies can't normally get, educate the public, get new programs off the ground, act as coordinating bodies, provide consumer input, serve as pressure valves, or prevent concentrations of power. Too often, however, boards lack these attributes. A common legislative and executive response to criticism of one board is to create a second group in hopes that it will do better than the first. Criticism of the Governor's Waste Management Board, for example, led not to its abolition but instead to the creation of a new group, the Hazardous Waste Treatment Commission. (There is also a Radiation Protection Commission, a Southeast Interstate Low-Level Radioactive Waste Management Compact Commission, and an

advisory committee to the North Carolina members of this regional commission.)

Citizens become the ultimate losers when the number of boards goes unchecked. Ineffective boards gum up the works and contribute to a slow government that can't deliver services effectively. "There have been officials in the executive branch that name people to a board or commission so they can then come to Raleigh and serve at the taxpayer's expense and then it wasn't doing a darn thing," says Speaker Ramsey.

If Ramsey has his way, the House is going to pass a bill in 1986. The question is what will be in the bill. Will it leave all 67 groups in the bill, abolishing them all? Will it also include some kind of cap or some other means of addressing the overall number of boards? Finally, will the bill address cost-reporting issues or other ways of reviewing how effectively boards are functioning? The four recommendations below address each of these issues, as they now come before the 1986 session of the General Assembly.

— continued page 24

**Table 4. Strengths and Weaknesses
of Boards and Commissions**

**If boards work well,
the benefit is:**

1. Boards are a major source of citizen participation and input.
2. Boards provide state agencies with advice they cannot normally get:
 - a. Citizens provide a statewide perspective.
 - b. Citizen appointments can provide technical expertise.
 - c. Citizens can act as sounding boards for proposed policies.
3. Board members can educate the public about state government.
4. Boards can highlight a problem or get a new program off the ground.
5. Boards can serve as vehicles for coordination.
6. Boards can provide consumer input and feedback on how governmental programs work.
7. Boards prevent concentration of power in the executive branch and serve as pressure valves for citizen complaints.

**If boards do not work well,
the liability is:**

1.
 - a. Some boards do not meet, thus losing all their potential benefits.
 - b. Certain segments of the population—blacks, women, and Indians—are underrepresented on boards.
 - c. Legislators still serve on many boards, thereby thwarting active participation by citizens.
2.
 - a. The Research Triangle area is overrepresented on boards, and other areas of the state are underrepresented.
 - b. Boards may degenerate into rubber stamp operations.
 - c. Some boards try to administer executive branch programs.
3. Time constraints and other full-time occupations may prevent citizen appointees from learning enough to educate the public.
4.
 - a. Boards may outlive the problems they were supposed to address.
 - b. Boards can be a vehicle for deflecting public outcry about a problem without ever doing anything.
5. Complaints about lack of coordination have not declined as the number of boards has increased to 320 since state government reorganization.
6. The fox can be put in charge of the henhouse if more providers than consumers are appointed.
7. Boards can result in "government by committee" and a lack of accountability in state government.

Recommendations

1. The 1986 legislature should abolish 62 of the 67 boards in SB 726. As Table 3 shows, these 62 meet at least one of the four criteria for termination. These boards:

- have met infrequently and become inactive or
- duplicate the functions of other boards or
- have local, not statewide, emphasis or
- advise state programs which can function effectively without a citizen board.

Five of the 67 boards should be deleted from the bill, as explained in Table 3.

Many of these 62 boards will have advocates who will claim the group should be retained. In addition to constituencies promoting the survival of their individual board, several issues affect groups of boards. These issues should be considered when abolishing the individual board.

Of these 62 boards, 35 are non-statutory (see Table 3), and hence come under the 1984 sunset law requiring boards to disband unless reauthorized by an executive official. Including these groups in the bill is being heavy-handed with the executive branch, say Martin administration spokespersons. "We consciously chose to terminate nine boards by not reissuing their executive orders," says Art Pope. "Why does the legislature need to do the same thing statutorily?" On the other hand, if the governor really intends to abolish them, why should he object to such legislative action?

Experienced lawmakers have seen boards become cats with nine lives. Senator Rand, the bill sponsor, is one of these. He believes the legislature needs to express its intent regarding these groups, regardless of gubernatorial action. "Do away with them anyway," says Rand.

2. The 1986 legislature should consider amending SB 726 to create a mechanism for controlling the growth of executive branch boards. This mechanism could be (a) a cap on the number of citizen boards, (b) a scheduled monitoring of each department's boards, or (c) some type of sunset provision. The legislature might choose to deal with this difficult systemic issue in the 1987 session, but the discussion over SB 726 this year could help set the stage for passing a monitoring system in 1987.

Some system of ceilings or scheduled monitoring would seem to work better in North Carolina than a sunset provision. Previous sunset efforts in North Carolina have not been successful. If the legislature thinks ceilings would work best, the N.C. Center recommends a ceiling for each of the 10 statewide elected officials in the executive

branch (the governor and each of the nine members of the Council of State) rather than a ceiling for each executive branch department.

The legislature could also monitor boards through a regular review, perhaps of one or two department's boards during each long session.²⁶ This responsibility should go to committees like the State Government Committee or the Joint Legislative Commission on Governmental Operations. Currently, there is scattered oversight. A clearer assignment of review responsibilities needs to be introduced. The department-by-department approach might assist in distinguishing these responsibilities.

If the legislature goes the sunset route, it could place an automatic sunset provision on statutory boards, just as it did in 1984 on non-statutory boards. The legislature could approach this sunset issue by creating a permanent oversight commission not too different from the now-defunct Sunset Commission or by simply requiring reauthorization of a board within a certain number of years, as done with non-statutory boards.

3. The N.C. General Assembly should amend NCGS 147-16. 2(a) to clarify that any executive order creating a board can be for no more than two years. Currently, NCGS 147-16.2(a) reads, "Any executive order of the Governor that creates a board, committee, council, or commission expires two years after the effective date of the executive order, unless the Governor specifies an expiration date in the order...." [emphasis added]. By inserting the word "earlier" before the words "expiration date," the General Assembly can ensure that non-statutory boards are reviewed at least every two years.

4. The 1986 legislature should consider amending SB 726 to require better reporting of board costs, including staff time. Staffing represents the major outlay involved in operating executive branch boards. Even so, agency officials usually do not compute the cost of staffing for boards. Indeed, in the N.C. Center's survey conducted for its 1985 report, agencies reported no staff costs to support 58 different boards. The N.C. Center remains skeptical that these boards had no staff costs.

Over three quarters, or \$3.6 million, of the total cost of all boards during FY 80-81 went toward the payment of salaries of state employees who provided staff support to state boards.²⁷ (The \$3.6 million figure above came from estimating the hours spent on the work of boards, then translating those person-hours into dollars using the average state employee salary as the base.) In

its study, the N.C. Center made every effort to omit the work of staff for general program administration from the total, leaving only the staff work spent strictly on board activities—meetings, preparation of agenda, and background research. Legislation could require the same cost-reporting system on a regular basis. This would provide the General Assembly with a much better means of monitoring the actual cost of executive branch boards than is currently available.

Pruning the Kudzu

If the legislative and executive branches can bring the state board system under control, the citizens will be the ultimate winners. Both branches have taken some steps in that direction—sunset review of non-statutory boards and termination of inactive, non-controversial boards. Two moves need to take place now.

The legislature needs to continue to address the issue of inactive and ineffective boards on a case-by-case basis. But more importantly, the General Assembly must grapple with the systemic problem—how to enhance citizen participation in government without constantly fertilizing the kudzu patch. Finding a solution to this

Gov. James G. Martin at the 1985 Governor's Run for fun, sponsored by the Governor's Council on Physical Fitness and Health. Photograph courtesy of N.C. Division of Health Services



problem is not an easy process. Some 50 years ago, kudzu did in fact begin to arrest the problem of soil erosion in the South. But the solution became a problem itself. Can the legislature find a way to bring citizens into the governmental process without creating a new problem? □◻

FOOTNOTES

¹See Jim Bryan et al., *Boards, Commissions, and Councils in the Executive Branch of North Carolina State Government*, N.C. Center for Public Policy Research, 1985, p. 74. Much of this article is based on the research reported in this book.

²Chapter 932 of the 1969 Session Laws, now Article III, Section 11 of the N.C. Constitution.

³Chapter 864 of the 1971 Session Laws (The Executive Reorganization Act of 1971) and Chapter 476 of the 1973 Session Laws (The Executive Reorganization Act of 1973), now codified as NCGS Chapters 143A and 143B.

⁴Chapter 712, Section 334 of the 1977 Session Laws. Occupational licensing boards are *not* included in the total of 320, nor are they included in the term "boards, commissions, and councils" as used in this article.

⁵In 1979, the membership of the Sunset Commission increased to 12, when legislative members were added to balance the number of gubernatorial appointees.

⁶Chapters 27, 464, 497, and 771 of the 1977 Session Laws and Chapters 504 and 575 of the 1979 Session Laws.

⁷Milton S. Heath Jr. and Ann L. Sawyer, *North Carolina Legislation 1979*, Institute of Government, University of North Carolina at Chapel Hill, 1979, p. 260.

⁸Chapter 932, Section 1 of the 1981 Session Laws.

⁹Chapter 932, Section 2 of the 1981 Session Laws.

¹⁰*ibid.*

¹¹Chapter 995 of the 1983 Session Laws (second session, 1984, HB 1517).

¹²Chapter 733 of the 1983 Session Laws (HB 1295).

¹³Chapter 1053 of the 1983 Session Laws (second session, 1984, HB 1518).

¹⁴NCGS 147-16.2(a): "Any executive order of the Governor that creates a board, committee, council, or commission expires two years after the effective date in the order, unless the Governor specifies an expiration date in the order.... The Governor may extend any such executive order before it expires for additional periods of up to two years by doing so in writing..."

¹⁵In 1980, as part of a comprehensive look at citizen participation in state government, the Department of Administration's State Goals and Policy Board gathered basic information on many executive branch boards but did not make recommendations regarding ineffective or inactive boards.

¹⁶Mr. Pope served in this position until Jan. 1, 1986, when he returned to private business.

¹⁷Chapter 757 of the 1985 Session Laws (SB 182), now codified as NCGS 131E-210.

¹⁸Chapter 479 of the 1985 Session Laws (SB 1), now codified as NCGS 110-148.

¹⁹20 CFR 602.17.

²⁰Chapter 757, Section 180 of the 1985 Session Laws (SB 182), now codified as NCGS 143B-132.

²¹Chapter 757, Section 81 of the 1985 Session Laws (SB 182), now codified as NCGS 143B-216.20.

²²Chapter 543 of the 1985 Session Laws (HB 1333), now codified as NCGS 143B-344.14.

²³Chapter 202 of the 1985 Session Laws (HB 476), now codified as NCGS 143B-389.

²⁴See *Boards, Commissions, and Councils*, p. 104.

²⁵Chapter 757, Section 52 of the 1985 Session Laws (SB 182), now codified as NCGS 143-506.15.

²⁶In 1984, the legislature created the temporary Legislative Committee on New Occupational and Professional Licensing Boards to assess proposals to license new occupations and professions between June 1, 1984 and Jan. 1, 1987. This represents one such monitoring mechanism.

²⁷See *Boards, Commissions, and Councils*, p. 66.