



Josh Dobson
Commissioner

2023 North Carolina Laws Expanding the Authority of the Joint Legislative Commission on Governmental Operations

The General Assembly recently passed a 2023-2024 budget that became effective October 3, 2023. **Session Law 2023-134:**

<https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf>

In addition to the funding provisions, there are new laws related to requests to agency employees from North Carolina State legislators and their staff. New powers have been granted to the existing Joint Legislative Commission on Governmental Operations (commonly referred to as "Gov Ops") in Session Law 2023-134, which includes extensive powers to examine, evaluate, and investigate State agencies, public authorities, units of local government, and non-State entities that receive public funds. The applicable sections include Gov Ops Modifications in all of Section 27.10 on pages 531-537.

In addition, the General Assembly revised Chapters 120 (General Assembly) and 132 (Public Records Act) of the NC General Statutes to provide that the Public Records Act does not apply to legislators and each legislator is the "custodian of all documents and information request made or received by that legislator" and no legislator is required to reveal a document or information. *See Section 27.7 of Session Law 2023-134 on page 530-531.*

The new law requires the following specific to Gov Ops:

- Gov Ops members and staff must have access upon request to agency documents and state buildings and facilities, including leased facilities.
- Gov Ops inquiries are confidential and can only be discussed among agency employees "to the extent that it is necessary to fulfill" the request.
- Anyone who intentionally "conceals, falsifies, or refuses to provide" Gov Ops with any document, information, or facility access may be charged with a misdemeanor, if the intent was to "mislead, impede, or interfere" with the discharge of Gov Ops duties.

The Department of Labor acknowledges its obligation to respond to legislative oversight requests and public records laws with serious ethical regard. We also want you to feel confident that you, as DOL employees, are able to fulfill your duties knowing that you have followed all State, federal, and local laws.

Generally, the release of most public records is handled by either the Legal Affairs Division or the Communications Division. The release of OSH records is handled by PSIM, the custodian of all OSH records.

To ensure that we successfully navigate the demands of this new law, I am directing all DOL employees to contact the Legal Affairs Division (LAD) when you receive a request of any kind from Gov Ops members or staff. LAD can assist you in determining what laws apply to the request, who at DOL may be contacted because their information or help is "necessary to fulfill" the request, and how to best complete the request. If you are unsure whether a request comes from Gov Ops members or staff, LAD personnel can also help you with that determination.

Contact information for the LAD attorneys is:

Jill F. Cramer, General Counsel

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(919) 707-7710

Sophie Plott, Deputy General Counsel

Sophie.plott@labor.nc.gov

(919) 707-7711

For requests seeking facility access, immediately call LAD attorneys by telephone; if you are unable to reach either of them immediately, call the LAD paralegal, Carla Rose, at 919-707-7712. For all other requests, please contact LAD attorneys by email or telephone.

Thank you for all you do on behalf of the Department of Labor and the people of North Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "J. A. Dobson".

Josh Dobson, Commissioner of Labor

October 30, 2023