

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

S

1

SENATE BILL 620

Short Title: DOT/Outside Counsel.-AB (Public)

Sponsors: Senators Rabon, Daniel, Meredith (Primary Sponsors); Ford and Lee.

Referred to: Rules and Operations of the Senate.

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE PURPOSES FOR WHICH THE DEPARTMENT OF TRANSPORTATION MAY ENGAGE THE SERVICES OF PRIVATE LEGAL COUNSEL, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 34.27 of S.L. 2013-360, as amended by Section 34.24(a) of S.L. 2014-100, is repealed.

SECTION 2. Subsections (b) and (c) of Section 34.24 of S.L. 2014-100 are repealed.

SECTION 3. G.S. 136-103.1 is repealed.

SECTION 4. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-18.03. Outside counsel.

(a) Intent. – It is the intent of the General Assembly that the Department of Transportation exercise the authority granted by this section to maximize operational and project delivery benefits attributed to the avoidance or successful defense of litigation. To accomplish this intent, the Department is directed to increase its utilization of private counsel to no less than twenty percent (20%) of new cases arising during a fiscal year.

(b) Authorization. – The Department of Transportation may engage the services of private counsel with the pertinent expertise to provide legal services related to (i) any project undertaken by the Department and (ii) workers compensation claims brought by Department employees. The Department shall supervise and manage the private counsel engaged under this section and shall not be required to obtain written permission or approval from the Attorney General under G.S. 114-2.3.

(c) Performance Metrics. – The Department shall develop performance metrics to evaluate its utilization of in-house counsel and private counsel, to include the following:

(1) A summary of new matters opened by legal area.

(2) Case cycle times.

(3) Resolution of cases.

(4) A comparison of in-house costs to billable rates for private counsel.

(5) The process for procurement for legal services.

(d) Report. – The Department shall provide a quarterly report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Justice and Public Safety Oversight Committee on the performance metrics set forth in subsection (c) of this section."

SECTION 5. This act is effective when it becomes law.

