

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 717
HOUSE BILL 53

AN ACT TO MAKE AMENDMENTS CONCERNING THE ADVISORY BUDGET COMMISSION AND OTHER BOARDS TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON SEPARATION OF POWERS.

The General Assembly of North Carolina enacts:

Section 1. This act may be cited as the Separation of Powers Act of 1983.

Sec. 2. (a) G.S. 120-123(21) is amended by deleting "G.S. 116-37", and inserting in lieu thereof "G.S. 116-37.1".

(b) G.S. 120-123(31) is amended by deleting "G.S. 143B- 294", and inserting in lieu thereof "G.S. 143B-393".

Sec. 2.1. The fourth sentence of G.S. 143B-452, as it appears in the 1982 Interim Supplement, is repealed.

Sec. 3. G.S. 120-123 is amended by adding the following new subdivisions:

"(33a) The North Carolina Board for Need-Based Medical Student Loans, as established by G.S. 143-47.21.

(34) The Committee on Art in State Buildings, as established by G.S. 143-408.4.

(35) The Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan, as established by G.S. 135-39."

Sec. 4. Alcoholic Beverage Control Commission. G.S. 18B-200(a) is amended by deleting the words "by the Governor with the approval of the Advisory Budget Commission", and inserting in lieu thereof, "by the General Assembly in the Budget Appropriation Act".

Sec. 5. Commissioner of Motor Vehicles G.S. 20-2 is amended by deleting the words "by the Governor, with the approval of the Advisory Budget Commission", and inserting in lieu thereof "by the General Assembly in the Budget Appropriation Act".

Sec. 6. Governor's Highway Patrolmen. G.S. 20-189 is amended by deleting "and the Advisory Budget Commission", and inserting in lieu thereof "after consultation with the Advisory Budget Commission".

Sec. 7. Radio System Transfers. The second paragraph of G.S. 20-196 is repealed.

Sec. 8. Deputy Banking Commissioner. G.S. 53-93.1 is amended by deleting the words "by the Governor with the approval of the Advisory Budget Commission",

and inserting in lieu thereof "by the General Assembly in the Budget Appropriation Act".

Sec. 9. Commissioner of Banks. G. S. 53-96 is amended by deleting "by the Governor subject to the approval of the Advisory Budget Commission", and inserting in lieu thereof "by the General Assembly in the Budget Appropriation Act".

Sec. 10. State Vehicle Insurance. The second sentence of G.S. 58-194.1 is repealed.

Sec. 11. Mutual Burial Association Commission. The last sentence of G.S. 58-241.6 is rewritten to read:

"The salary of the Burial Association Administrator shall be set in accordance with Chapter 126 of the General Statutes, the State Personnel Act."

Sec. 12. The second sentence of G.S. 58-241.11 is repealed.

Sec. 12.1. Utilities Commission—Executive Director.

G.S. 62-15(a) is amended by deleting "concurred in by a majority of the Utility Review Committee of the General Assembly", and inserting in lieu thereof the words "after consultation with the Utility Review Committee of the General Assembly".

Sec. 13. Prison Enterprises. G.S. 66-58(f) is amended by deleting the words "Advisory Budget Commission" the first time it appears and inserting in lieu thereof "Governor", and by deleting the words "Advisory Budget Commission" the second time they appear and inserting in lieu thereof "Director of the Budget".

Sec. 14. G.S. 148-70 is amended by deleting the words "Advisory Budget Commission", and inserting in lieu thereof the word "Governor".

Sec. 15. Board of Barber Examiners. G.S. 86A-6 is amended by deleting "Governor with the approval of the Advisory Budget Commission", and inserting in lieu thereof "Board".

Sec. 16. Board of Boiler and Pressure Vessel Rules.

G.S. 95-69.13(c) is amended by deleting the words "by the Advisory Budget Commission".

Sec. 17. State Advisory Council on Occupational Safety and Health. G.S. 95-134(c) is amended in the last sentence by deleting the words "on a per diem basis which shall be fixed by the Governor and Advisory Budget Commission" and inserting in lieu thereof the words "in accordance with Chapter 138 of the General Statutes".

Sec. 18. The last sentence of G.S. 95-134(d) is amended by deleting "may be fixed by the Commissioner and Advisory Budget Commission", and inserting in lieu thereof "provided in Chapter 138 of the General Statutes".

Sec. 19. Employment Security Commission. G.S. 96-3(c) is amended by deleting "fixed by the Governor subject to the approval of the Advisory Budget Commission", and inserting in lieu thereof "fixed by the General Assembly in the Budget Appropriation Act".

Sec. 20. Industrial Commission. G.S. 97-78(a) is rewritten to read: "(a) The salaries of the chairman and each of the other commissioners shall be fixed by the General Assembly in the Budget Appropriation Act."

Sec. 21. State Farm Products. G.S. 106-26.20 is amended by deleting "and Advisory Budget Commission", and inserting in lieu thereof "after consultation with the Advisory Budget Commission".

Sec. 22. Milk Commission. G.S. 106-266.7(d) is amended to read: "Members of the Commission shall receive per diem and allowances as provided in G.S. 138-5."

Sec. 23. (Reserved)

Sec. 24. Seafood Industrial Park Authority. G.S. 113- 315.26 is amended by rewriting the second sentence to read "The salaries of these personnel shall be fixed by the General Assembly in the Budget Appropriation Act."

Sec. 25. Education Controller. G.S. 115C-27 is amended by deleting the words "fixed by the Governor subject to the approval of the Advisory Budget Commission", and inserting in lieu thereof "fixed by the Governor and the State Board of Education after consultation with the Advisory Budget Commission".

Sec. 26. Community Colleges Staff. (a) The third sentence of the second paragraph of G.S. 115D-3 is rewritten to read: "The compensation of this position shall be fixed by the General Assembly in the Budget Appropriation Act."

(b) The third paragraph of G.S. 115D-3 is amended by rewriting the second sentence to read "The compensation of the staff members elected by the Board shall be fixed by the Governor and State Board of Community Colleges after consultation with the Advisory Budget Commission."

Sec. 27. Community Colleges. The first sentence of the second paragraph of G.S. 115D-4 is rewritten to read: "The expenditures of any State funds for any capital improvements of existing institutions shall be subject to the prior approval of the State Board of Community Colleges and the Governor, provided that the Governor shall consult with the Advisory Budget Commission before giving approval."

Sec. 27.1. The first sentence of G.S. 115D-4 is rewritten to read:

"The establishment of all community colleges and technical institutes or the conversion of any such existing institution into a new type of institution shall be subject to the approval of the General Assembly upon recommendation of the State Board of Community Colleges."

Sec. 27.2. The second sentence of the first paragraph of G.S. 115D-4 is amended by deleting "approval be granted" and inserting in lieu thereof "favorable recommendation be made".

Sec. 27.3. G.S. 115D-33(e) is amended by deleting "granting final approval for" and inserting in lieu thereof "favorably recommending approval of".

Sec. 28. Community Colleges Local Extension. G.S. 115D-5(e) is amended by deleting "and the Advisory Budget Commission", and by adding before the period at the end of the first sentence the words", provided that the Governor shall consult with the Advisory Budget Commission before giving approval".

Sec. 29. The University of North Carolina. G.S. 116- 11(9)b. is amended by deleting "Advisory Budget Commission", and inserting in lieu thereof the words "Director of the Budget (after the Director of the Budget consults with the Advisory Budget Commission)".

Sec. 30. G.S. 116-11(9)c. is amended by deleting "Advisory Budget Commission", and inserting in lieu thereof "Director of the Budget after consultation with the Advisory Budget Commission".

Sec. 31. University Endowment Fund. G.S. 116-36(g) is amended by deleting the words "Advisory Budget Commission", and inserting in lieu thereof "Director of the Budget after the Director of the Budget consults with the Advisory Budget Commission".

Sec. 32. North Carolina Memorial Hospital. G.S. 116-37(e) is amended by deleting the words "Advisory Budget Commission" and inserting in lieu thereof "Director of the Budget after consultation with the Advisory Budget Commission".

Sec. 33. College Revolving Fund. Chapter 116 of the General Statutes is amended by adding a new section to read:

"§ 116-168.1. Payments. – Notwithstanding G.S. 116-168, all moneys received in payment of principal and interest on loans made from said fund shall be paid to the General Fund."

Sec. 34. Article 17 of Chapter 116 of the General Statutes is repealed.

Sec. 35. Grants to Students. G.S. 116-209.19 is amended by deleting "Advisory Budget Commission, after consultation with the Secretary of Administration", and inserting in lieu thereof "Secretary of Administration, after consultation with the Advisory Budget Commission", and by deleting "Advisory Budget Commission" the second time it appears and inserting in lieu thereof "Secretary of Administration".

Sec. 36. North Carolina Housing Finance Agency. G.S. 122A-4(f) is amended by rewriting the eighth sentence to read "The salary of the Executive Director shall be fixed by the Governor after consultation with the Advisory Budget Commission."

Sec. 36.1. The seventh sentence of G.S. 122A-4(f) is amended by deleting the words "designated as secretarial, clerical, or administrative", and inserting in lieu thereof "other than the Executive Director".

Sec. 37. The tenth sentence of G.S. 122A-4(f) is amended by deleting the words "the Advisory Budget Commission shall fix the compensation of such officers" and inserting in lieu thereof the words "the General Assembly shall fix the compensation of such officers in the Budget Appropriation Act."

Sec. 38. G.S. 122A-8.1 is amended by deleting the words "Advisory Budget Commission", and inserting in lieu thereof the words "Director of the Budget after consultation with the Advisory Budget Commission".

Sec. 39. North Carolina Industrial Development Financing Authority. Chapter 123A of the General Statutes is repealed.

Sec. 40. State Personnel Director. The next to last sentence of G.S. 126-3 is amended to read "The salary of the Director shall be fixed by the General Assembly in the Budget Appropriation Act."

Sec. 41. State Personnel Act. G.S. 126-5(c) is amended by deleting the words "or the Advisory Budget Commission or" and inserting in lieu thereof the words "or consultation with the Advisory Budget Commission or fixed by".

Sec. 42. Athletic Competition. G.S. 126-8.1(c) is amended by deleting "and the Advisory Budget Commission", and inserting "after consultation with the Advisory Budget Commission".

Sec. 43. Employee Awards. G.S. 126-67 is amended by deleting "with the approval of", and inserting in lieu thereof the words "after consultation with".

Sec. 43.1. Capital Building Authority. G.S. 129-40 is rewritten to read:

"§ 129-40. Creation of North Carolina Capital Building Authority. -(a) There is hereby created the North Carolina Capital Building Authority which shall consist of the following:

five members to be appointed by the Governor, and four members to be appointed by the General Assembly in accordance with G.S. 120- 121, two each upon the recommendation of the President of the Senate and the Speaker of the House of Representatives.

(b) The Governor shall designate the chairman from among the members to serve at his pleasure, and the authority shall elect a vice-chairman to serve at its pleasure. The Secretary of Administration shall designate an officer or employee of the Department of Administration to serve as Secretary to the Authority.

(c) Members of the Commission shall be appointed for two-year terms to commence July 1, 1983, and appointments shall be made biennially thereafter.

(d) Vacancies in appointments made by the Governor shall be filled by the Governor, and vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(e) A quorum shall be six members of the Authority."

Sec. 43.2. G.S. 120-123 is amended by adding a new subsection to read:

"(39) The North Carolina Capital Building Authority as established by G.S. 129-40."

Sec. 43.3. G.S. 129-42(3) and (4) are each amended by adding immediately after the word "Commission", the words "and to the Joint Legislative Commission on Governmental Operations".

Sec. 43.4. G.S. 129-42 is amended by adding a new subdivision to read:

"(5) To establish by rule a process by which there is adequate notice in the area where such construction is to take place that the North Carolina Capital Building Authority will be awarding contracts for planning, design, or construction."

Sec. 43.5. G.S. 129-42.1 is amended by deleting the words "community colleges, industrial education centers, and technical institutes, as defined in G.S. 115A-2, and public schools, as defined in G.S. 115-6, that are under the supervision of county or city administrative units, as provided in General Statutes Chapter 115", and inserting in lieu thereof "community colleges, technical colleges and technical institutes, as defined in G.S. 115D-2, and public schools, as defined in G.S. 115C-75, that are under the supervision of local school administrative units as provided in Chapter 115C of the General Statutes."

Sec. 44. G.S. 129-42.2 is amended by adding the following new language immediately before the period at the end:

"; provided, that the Authority may, after receiving the list, request one or more additional names from the agency or institution, and when that supplemental list is received, may consider that along with the original list".

Sec. 45. State Highway Administrator. The third sentence of G.S. 136-4 is rewritten to read "He shall be paid a salary fixed by the General Assembly in the Budget Appropriation Act."

Sec. 46. Highway Fund Transfers. The first sentence of the fifth paragraph of G.S. 136-44.2 is repealed.

Sec. 47. The second sentence of the fourth paragraph of G.S. 136-44.2 is rewritten to read: "No federally eligible construction project may be funded entirely with State funds unless the Department of Transportation has first consulted with the Joint Legislative Commission on Governmental Operations."

Sec. 48. Rail Revitalization. G.S. 136-44.37 and G.S. 136-44.38 are amended by deleting in each place the words "Advisory Budget Commission", and inserting in lieu thereof "Director of the Budget after the Director of the Budget consults with the Advisory Budget Commission."

Sec. 49. Salary of Administrative Officers. The first three sentences of G.S. 138-4 are deleted and the following inserted in lieu thereof:

"The salaries of all State administrative officers not subject to the State Personnel Act shall be payable in equal monthly installments, and if no provision is otherwise made by law, shall be set by the Governor subject to consultation with the Advisory Budget Commission.

Whenever by law it is provided that a salary shall be fixed or set by the General Assembly in the Budget Appropriation Act, and that office or position is filled by appointment of the Governor, or the appointment is subject to the approval of the Governor, or is made by a commission a majority of whose members are appointed by the Governor, then the Governor may, after consultation with the Advisory Budget Commission, increase or decrease the salary of a new appointee by a maximum of ten percent (10%) over or under the salary of that position as provided in the Budget Appropriation Act, such increased or decreased salary to remain in effect until changed by the General Assembly or until the end of the fiscal year, whichever occurs first. This section does not apply to any office filled by election by the people, and does not apply to any office in the legislative or judicial branches."

Sec. 50. The second and third sentences of the first paragraph of G.S. 143A-9 are repealed.

Sec. 51. The second paragraph of G.S. 143B-9 is rewritten to read:

"The salary of the head of each of the principal State departments and of elected officials shall be as provided by law."

Sec. 52. Art Society. G.S. 140-12 is amended by deleting the words "and the Advisory Budget Commission", and inserting in lieu thereof "after consultation with the Advisory Budget Commission".

Sec. 53. G.S. 140-12 is amended by deleting the words, "the City of Raleigh" and inserting in lieu thereof the words "Wake County".

Sec. 54. Budget Preparation. The third sentence of G.S. 143-11 is amended by deleting the words, "and shall cause to be incorporated therein such statement of disagreement and the particulars thereof, as the Commission or any of its members shall deem proper to submit as representing their views", and inserting in lieu thereof, the words ", and the Commission or any of its members retain the right to submit separately to the General Assembly such statement of disagreement and the particulars thereof as representing their views".

Sec. 55. ABC Tour Photographer. G.S. 143-11.1 is repealed.

Sec. 56. Federal Funds. G.S. 143-16.1 is rewritten to read:

"§ 143-16.1. Federal funds. – All federal funds shall be expended and reported in accordance with provisions of the Executive Budget Act, except as otherwise provided by law. Proposed budgets recommended to the General Assembly by the Governor and Advisory Budget Commission shall include information concerning the federal expenditures in State agencies, departments and institutions in the same manner as State funds."

Sec. 57. Capital Projects. The catch line and first two paragraphs of G.S. 143-18.1 are rewritten to read as follows:

"§ 143-18.1. Decrease of projects within capital improvement appropriations; requesting authorization of capital projects not specifically provided for. – (a) After consultation with the Advisory Budget Commission and upon the request of the administration of a State agency or institution, the Director of the Budget may decrease the scope of a capital improvement project.

(b) After consultation with the Advisory Budget Commission and upon the request of the administration of a State agency or institution, the Director of the Budget may when, in his opinion, it is in the best interest of the State to do so, increase the cost of a capital improvement project within the appropriation made to that State agency or institution within the capital improvement appropriation to that agency or institution for that biennium, provided that the project may not be increased in scope under the authority of this subsection.

(c) Upon the request of the administration of any State agency or institution, the Director of the Budget may accept funds by gift or grant for the construction of a capital improvement project not specifically provided for or authorized by the General Assembly. These funds shall be placed in a special reserve account to be held by the State Treasurer until the end of the biennium in which the account was established or until the capital improvement project is authorized by the Director of the Budget after consultation with the Advisory Budget Commission and the Capital Building Authority, whichever occurs first. These funds shall be invested and the interest thereon shall be added to the reserve. If the project is not authorized by the end of that biennium, the State Treasurer shall pay the funds accumulated in the special reserve account to the grantor or donor. Upon the establishment of a special reserve account under this section, the Director of the Budget shall notify the Speaker of the House and President of the Senate of the receipt of the funds and the existence of the reserve account. Upon the request of the administration of any State agency or institution, the Governor, after consultation with the Advisory Budget Commission and the Capital Building Authority,

may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by receipts, special funds, self-liquidating indebtedness, other funds, or any combination of funds, but not including funds appropriated from the General Fund. All expenditures under this authorization shall be handled in full compliance with the provisions of the Executive Budget Act."

Sec. 58. Periodic Allotments. The second sentence in G.S. 143-25 is amended by deleting the words "by and with the advice and consent of a majority of the Advisory Budget Commission".

Sec. 59. (Reserved)

Sec. 60. Purchase and Contract. G.S. 143-49(6) is amended by deleting "Advisory Budget Commission", and inserting in lieu thereof "Secretary of Administration after consultation with the Advisory Budget Commission".

Sec. 61. Advertising For Bids. G.S. 143-52 is amended by deleting in both places, "with the approval of", and inserting in lieu thereof "after consultation with".

Sec. 62. Surplus Sales. G.S. 143-49(4) is amended by deleting "prior approval of the Director of the Budget and the Advisory Budget Commission", and inserting in lieu thereof the words "prior approval of the Director of the Budget and after consultation with the Advisory Budget Commission".

Sec. 63. Purchase and Contract. G.S. 143-53 is amended by deleting the words "Advisory Budget Commission", and inserting in lieu thereof "Secretary of Administration after consultation with the Advisory Budget Commission".

Sec. 64. G.S. 143-53 is amended by deleting "upon filing with the Secretary of State", and inserting in lieu thereof "in accordance with the provisions of Chapter 150A of the General Statutes."

Sec. 64.1. G.S. 143-53 is amended by deleting the words "; and prior to adoption, they shall be submitted to the Attorney General for opinion as to the legal effect thereof".

Sec. 65. G.S. 143-56 is amended by deleting "with the approval of the Advisory Budget Commission" both times those words appear and by deleting the first comma.

Sec. 66. G.S. 143-56 is amended by deleting the word "Except" on line 1 and inserting in lieu thereof "Unless", and by deleting the word "not" on line 3.

Sec. 67. G.S. 143-60 is amended by deleting the words "with the approval of" the first time they appear, and inserting in lieu thereof "after consultation with".

Sec. 68. G.S. 143-60 is amended by deleting the words "with the approval of", both places they appear and inserting in lieu thereof "after consultation with".

Sec. 69. Federal Public Works. G.S. 143-215.40 is amended by deleting the words "and the Advisory Budget Commission", and inserting in lieu thereof the words "after the Governor consults with the Advisory Budget Commission".

Sec. 70. Water Resources Grants. G.S. 143-215.73 is amended by deleting the words "and approve or disapprove", and inserting in lieu thereof the word "for", and by deleting the word "approval", and inserting in lieu thereof the word "review".

Sec. 71. Wildlife Resources Commission. G.S. 143- 243(4) is amended by deleting "Advisory Budget Commission and the legislature" and inserting in lieu thereof "General Assembly".

Sec. 72. G.S. 143-243 is amended by deleting the words "in the City of Raleigh", and by deleting the words "and places".

Sec. 73. G.S. 143-246 is amended by deleting the words "subject to the approval of the Advisory Budget Commission", and inserting in lieu thereof "after consultation with the Advisory Budget Commission".

Sec. 74. Central Motor Pool. (a) G.S. 143-341(8)i.3. is amended by deleting "and the Advisory Budget Commission".

(b) G.S. 143-341(8)i.7. is amended by deleting "and Advisory Budget Commission" each time it appears.

(c) G.S. 143-341(8)i. is amended by adding a new paragraph to read: "11. To report annually to the General Assembly on any rules adopted, amended or repealed under paragraphs 3, 7, or 7a of this subdivision."

Sec. 75. G.S. 14-247 is amended by deleting "and the Advisory Budget Commission".

Sec. 76. Office Space of Self-Supporting Agencies. G.S. 143-342.1 is amended by deleting "Advisory Budget Commission", and inserting in lieu thereof the words "Director of the Budget".

Sec. 77. G.S. 143-342.1 is amended by deleting the words "paid to the Department", and inserting in lieu thereof "paid to the General Fund".

Sec. 78. Advisory Councils. The second sentence of G.S. 143B-10(d) is rewritten to read: "The General Assembly declares its policy that insofar as feasible, such committees or councils shall consist of no more than 11 members, with not more than one from each congressional district. If any department head desires to vary this policy, he must make a request in writing to the Governor, stating the reasons for the request. The Governor may approve the request, but may only do so in writing. Copies of the request and approval shall be transmitted to the Advisory Budget Commission and to the Joint Legislative Commission on Governmental Operations."

Sec. 79. Agency Reorganization Fund Transfer. G.S. 143B-27 is repealed.

Sec. 80. Parole Commission. G.S. 143B-267 is amended by deleting "Governor and approved by the Advisory Budget Commission", and inserting "General Assembly in the Budget Appropriation Act".

Sec. 81. Standardization Committee. G.S. 143B-397 and G.S. 143B-398 are repealed. G.S. 143-63 is amended by deleting ", nor of the Standardization Committee" and "or Committee" both times that it appears.

Sec. 82. Agency For Public Telecommunications. G.S. 143B-426.11(9) is amended by deleting "Governor subject to the approval of the Advisory Budget Commission", and inserting in lieu thereof "General Assembly in the Budget Appropriation Act".

Sec. 83. Economic Development Board. G.S. 143B-434(c) is amended by repealing the last sentence.

Sec. 84. Ports Authority. The second sentence of G.S. 143B-454(5) is rewritten to read:

"The salary of the Director shall be fixed by the Governor after consultation with the Advisory Budget Commission."

Sec. 85. Ports Railway Commission. G.S. 143B-469.1 is amended by deleting the words "Governor with the approval of the Advisory Budget Commission" and inserting in lieu thereof "General Assembly in the Budget Appropriation Act".

Sec. 86. Land Sales. G.S. 146-30(3) is amended by deleting the words "approved by the Director of the Budget and the Advisory Budget Commission", and inserting in lieu thereof "provided by transfer of funds from those accounts in the Budget Appropriation Act".

Sec. 86.1. G.S. 146-30(3) is amended by deleting "approved by the Director of the Budget and the Advisory Budget Commission" and inserting in lieu thereof "provided by transfer of funds from those accounts in the Budget Appropriation Act".

Sec. 86.2. The last paragraph of G.S. 146-30 is amended by adding the following new language immediately before the last sentence:

"In the Budget Appropriation Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line items without approval by the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient."

Sec. 87. G.S. 146-30(3) is amended by deleting the words "Office of State Budget and Management and the Advisory Budget Commission" and inserting in lieu thereof "and the Office of State Budget and Management".

Sec. 88. Governor's Private Secretary. G.S. 147-15 is amended by deleting the words "with the approval of the Advisory Budget Commission".

Sec. 89. Local Government Unemployment Pool. G.S. 147- 86.1(d) is amended by deleting the words "Advisory Budget Commission" and inserting in lieu thereof "Director of the Budget".

Sec. 90. Secretary of Revenue. G.S. 147-87 is amended by rewriting the last sentence to read: "His salary shall be fixed by the General Assembly in the Budget Appropriation Act."

Sec. 91. Local Government Commission. The second sentence of G.S. 159-5 is repealed.

Sec. 92. School Buses. G.S. 115C-243(f) is amended in the first sentence by deleting "State Board of Education" and inserting in lieu thereof "State Board of Education after consultation with the Advisory Budget Commission", by repealing the second sentence and by deleting "with the concurrence of", and inserting in lieu thereof "after consultation with".

Sec. 93. Milk Commission. The first paragraph of G.S. 106-266.7(a) is amended by deleting "two of whom shall be appointed by the Lieutenant Governor, two of whom shall be appointed by the Speaker of the House", and inserting in lieu thereof "four of whom shall be appointed by the General Assembly in accordance with G.S. 120-121 (two upon the recommendation of the President of the Senate and two upon the recommendation of the Speaker of the House of Representatives)".

Sec. 94. The first paragraph of G.S. 106-266.7(a) is amended by adding the following new language at the end: "Appointments by the General Assembly shall be in accordance with G.S. 120-121."

Sec. 95. The second paragraph of G.S. 106-266.7(a) is amended by deleting "Lieutenant Governor", and inserting in lieu thereof "General Assembly upon the recommendation of the President of the Senate", and by deleting "Speaker of the House", and inserting in lieu thereof "General Assembly upon the recommendation of the Speaker of the House of Representatives".

Sec. 96. The fourth paragraph of G.S. 106-266.7(a) is amended by deleting the "the Speaker of the House shall appoint one for a term ending June 30, 1978 and one for a term ending June 30, 1979, and the Lieutenant Governor shall appoint one for a term ending June 30, 1978 and one for a term ending June 30, 1979" and inserting in lieu thereof "the General Assembly shall appoint upon the recommendation of the Speaker of the House of Representatives one for a term ending June 30, 1984 and one for a term ending June 30, 1985, and the General Assembly shall appoint upon the recommendation of the President of the Senate one for a term ending June 30, 1986, and one for a term ending June 30, 1987."

Sec. 97. The fourth paragraph of G.S. 106-266.7(a) is further amended by adding immediately after "of the appropriate year:", the words "provided that subsequent appointments by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be for terms of two years, ending on June 30 of the appropriate year."

Sec. 98. The fourth paragraph of G.S. 106-266.7(a) is amended by adding the following new sentence at the end:

"Notwithstanding the above, persons appointed by the General Assembly may be removed by the General Assembly, and vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

Sec. 99. G.S. 120-123 is amended by adding a new subsection to read: "(36) The Milk Commission as established by G.S. 106-266.7."

Sec. 100. State Board of Chiropractic Examiners. The first sentence of G.S. 90-139(a) is amended by deleting the words "Lieutenant Governor and Speaker of the House", and inserting in lieu thereof the words "and General Assembly".

Sec. 101. The second sentence of G.S. 90-139(a) is amended by deleting "and one each by the Lieutenant Governor and the Speaker of the House" and inserting in lieu thereof the words "and two by the General Assembly in accordance with G.S. 120-121, one each upon the recommendation of the President of the Senate and the Speaker of the House of Representatives".

Sec. 102. The second sentence of G.S. 90-139(b) is amended by deleting the words "three-year".

Sec. 103. The third sentence of G.S. 90-139(b) is rewritten to read "The initial appointment of the General Assembly upon the recommendation of the President of the Senate shall be for a term to expire June 30, 1986, and the initial appointment of the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be for a term to expire June 30, 1985, subsequent appointments upon the recommendation of the President of the Senate shall be for terms of three years, subsequent appointments upon the recommendation of the Speaker of the House of Representatives shall be for terms of two years."

Sec. 104. G.S. 90-139(c) is rewritten to read:

"(c) The Governor and General Assembly, respectively, may remove any member appointed by them for good cause shown. In addition, upon the request of the Speaker of the House of Representatives or the President of the Senate concerning a person appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives or the President of the Senate, respectively, the Governor may remove such appointee for good cause shown, if the request is made and removal occurs either (i) when the General Assembly has adjourned to a date certain, which date is more than 10 days after the date of adjournment, or (ii) after sine die adjournment of the regular session. The Governor may appoint persons to fill vacancies of persons appointed by him to fill unexpired terms. Vacancies in appointments made by the General Assembly shall be in accordance with G.S. 120-122."

Sec. 105. G.S. 120-123 is amended by adding a new subdivision to read:

"(37) The State Board of Chiropractic Examiners as established by G.S. 90-139."

Sec. 106. The first sentence of G.S. 90-140 is rewritten to read: "The Governor and the General Assembly upon the recommendation of the President of the Senate shall appoint chiropractic members of the Board for terms of three years from a list provided by the Board, and the General Assembly upon the recommendation of the Speaker of the House of Representatives shall appoint a chiropractic member of the Board for a term of two years from a list provided by the Board."

Sec. 107. Manufactured Housing Board. G.S. 143- 143.10(a) is amended by deleting the words "Speaker of the House of Representatives", and inserting in lieu thereof the words "General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121".

Sec. 108. G.S. 143-143.10(a) is further amended by deleting "President Pro Tempore of the Senate", and inserting in lieu thereof "General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120- 121".

Sec. 109. The first sentence of the third paragraph of G.S. 143-143.10(a) is rewritten to read: "The members of the Board shall serve for terms of three years to begin on October 1, 1981, except that the persons appointed by the General Assembly upon the recommendation of the Speaker shall serve two-year terms to expire on September 30, 1985, and the persons appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall serve for three-year

terms to expire on September 30, 1986. In the event of any vacancy of a position appointed by the Governor or Commissioner of Insurance, the appropriate appointing authority shall appoint a replacement in the same manner as provided for the original appointment to serve the remainder of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

Sec. 110. G.S. 120-123 is amended by adding a new subdivision to read: "(38) The North Carolina Manufactured Housing Board, as established by G.S. 143-143.10."

Sec. 111. G.S. 120-121(c) is amended by adding immediately after the words "Speaker of the House of Representatives" the words ", President Pro Tempore of the Senate,".

Sec. 112. G.S. 120-122 is amended by adding immediately after the words "Speaker of the House of Representatives" the first time they appear, the words ", upon the recommendation of the President Pro Tempore of the Senate,".

Sec. 113. G.S. 120-122 is amended by adding immediately after the words "Speaker of the House of Representatives" the second time they appear the words ", the President Pro Tempore of the Senate,".

Sec. 114. G.S. 143-143.10 is amended by deleting the words "Except for the representatives from the general public", and inserting in lieu thereof the words "Except for the representatives from the general public and the persons appointed by the General Assembly".

Sec. 115. This act is effective upon ratification, except that Section 33 of the bill shall be effective from and after June 17, 1959, Section 34 of the bill shall become effective January 1, 1985, and Sections 86 through 86.2 shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 11th day of July, 1983.