

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-90
SENATE BILL 126**

AN ACT TO ABOLISH OBSOLETE BOARDS AND COMMISSIONS THAT ARE NO LONGER FUNCTIONAL AND TO MAKE OTHER CHANGES TO BOARDS AND COMMISSIONS.

Whereas, several boards and commissions within State government appear to be no longer functional and should be abolished; and

Whereas, some boards and commissions were established to oversee programs that no longer exist; and

Whereas, certain boards and commissions either have no appointed members, have not met in several years, have not reported recent activity, or have no discoverable information; and

Whereas, as a result of inactivity of some boards and commissions, previous attempts have been made to abolish them; Now, therefore,

The General Assembly of North Carolina enacts:

BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II SETTLEMENT FUNDS

SECTION 1. The Board of Directors of the Certification Entity for the Phase II Settlement Funds, as authorized by S.L. 1999-333, is abolished.

NC AGENCY FOR PUBLIC TELECOMMUNICATIONS

SECTION 2.(a) Part 22 of Article 9 of Chapter 143B of the General Statutes is repealed.

SECTION 2.(b) G.S. 138A-3(70)r. is repealed.

SECTION 2.(c) G.S. 120-123(4) is repealed.

BOARD OF DIRECTORS OF THE CHARLOTTE REGIONAL PARTNERSHIP

SECTION 4. The Board of Directors of the Charlotte Regional Partnership, Inc., as authorized by Article 2 of Chapter 158 of the General Statutes, is abolished.

COMMISSION ON SCHOOL TECHNOLOGY

SECTION 5.(a) G.S. 115C-102.5 is repealed.

SECTION 5.(b) G.S. 115C-102.6 reads as rewritten:

"§ 115C-102.6. Duty to propose a State school technology plan.

The State Board of Education shall propose a State school technology plan that ensures the effective use of technology is built into the North Carolina Public School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century.—~~The Commission on School Technology will advise the State Board of Education on the State School Technology Plan and its components.~~"

DATA INTEGRATION STEERING COMMITTEE



SECTION 6. Section 6A.20(b) of S.L. 2011-145 is repealed.

GRANTS MANAGEMENT OVERSIGHT COMMITTEES

SECTION 7.(a) Section 6A.7 of S.L. 2011-145, as amended by Section 11(d) of S.L. 2011-391 and Section 6A.10 of S.L. 2012-142, is repealed.

SECTION 7.(b) Section 7.14(b) of S.L. 2013-360 is repealed.

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 8.(a) Article 25A of Chapter 120 of the General Statutes is repealed.

SECTION 8.(b) G.S. 90-113.64 reads as rewritten:

"§ 90-113.64. SBI annual report.

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety ~~and to the Legislative Commission on Methamphetamine Abuse~~ by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

SECTION 8.(c) G.S. 143B-925 reads as rewritten:

"§ 143B-925. Study and report on use of pseudoephedrine products to make methamphetamine.

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse ~~Services, the Legislative Commission on Methamphetamine Abuse, Services~~ and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL

SECTION 9.(a) Part 2A of Article 10 of Chapter 143B of the General Statutes is repealed.

SECTION 9.(b) G.S. 143B-432(c)(1) is repealed.

SECTION 9.(c) G.S. 143B-433(2)b. is repealed.

NORTH CAROLINA FARMWORKER COUNCIL

SECTION 10. Part 26 of Article 9 of Chapter 143B of the General Statutes is repealed.

SOUTHERN GROWTH POLICIES BOARD

SECTION 11. Article 55 of Chapter 143 of the General Statutes, being G.S. 143-490 through G.S. 143-506, is repealed.

STATE ADVISORY COUNCIL ON EMPLOYMENT SECURITY

SECTION 12. G.S. 96-4 reads as rewritten:

"§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.

...

~~(g) Advisory Councils.—The State Advisory Council shall be composed of the Assistant Secretary and 15 persons representing employers, employees, and the general public, to be appointed as follows:~~

- ~~(1) Five members appointed by the Governor.~~
- ~~(2) Five members appointed by the President Pro Tempore of the Senate.~~
- ~~(3) Five members appointed by the Speaker of the House of Representatives.~~

~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair. A quorum of the State Advisory Council shall consist of the chairman, or such appointed member as he may designate, plus one half of the total appointed members. The function of the Council shall be to aid the Division in formulating policies and discussing problems related to the administration of this Chapter. Each member of the State Advisory Council attending meetings of the Council shall be paid the same amount per diem for his or her services as is provided for the members of other State boards, commissions, and committees who receive compensation for their services, including necessary time spent in traveling to and from his place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office, and his actual mileage and subsistence at the same rate allowed to State officials.~~

(h) Employment Stabilization. – The Secretary of Commerce, in consultation with the Assistant Secretary and with the advice and aid of the advisory councils, Secretary, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

...."

STATE SUGGESTION REVIEW COMMITTEE

SECTION 13.(a) G.S. 143-345.21 reads as rewritten:

"§ 143-345.21. State employee suggestion program.

...

(h) Implementation costs may be prorated over a maximum of three years for suggestions or innovations that are capital intensive, involve leading-edge technology, or involve unconventional processes that require longer than 12 months for implementation. The amount of the average annual savings minus the average annual implementation cost shall be used as the basis for the agency to recommend a suggester award. The State Suggestion Review Committee Office of State Human Resources shall consult the Office of State Budget and Management to make the final award determination in these cases.

...."

SECTION 13.(b) G.S. 143-345.23 reads as rewritten:

"§ 143-345.23. Suggestion and review process; role of agency coordinator and agency evaluator.

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin with the employee or team of employees submitting the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation for submission to the State Review Committee established in G.S. 143-345.24. Office of State Human Resources.

(b) An agency coordinator shall be appointed by the head of each participating agency to serve as liaison between the agency, the suggester, the agency evaluator, and the NC-Thinks office. The duties of the agency coordinator shall include:

- (1) Serving as an information source and maintaining sufficient forms necessary to submit suggestions.
- (2) Presenting, in conjunction with the agency evaluator, the recommendation for an award to the ~~State Suggestion Review Committee~~Office of State Human Resources.
- (3) Working in conjunction with the agency evaluator to process a particular suggestion or innovation within 180 days, except when there are extenuating circumstances.

An agency may have more than one coordinator if required to provide sufficient services to State employees.

(c) An agency evaluator shall be designated by the management of the implementing agency to evaluate one or more suggestions. The duties of an agency evaluator shall include:

- (1) Receiving from the agency coordinator and reviewing within 90 days, when possible, the feasibility and effectiveness of cost-saving or revenue-increasing measures suggested by State employees.
- (2) Being knowledgeable of the subject program, activity, or service.
- (3) Determining, in conjunction with the agency fiscal officer, the budgetary impact of a suggestion or innovation.
- (4) Judging impartially both the positive and negative effects of a suggestion or innovation on the current functions of the subject program, activity, or service.

(d) The Director of the Office of State Human Resources shall be responsible for general oversight and coordination of NC-Thinks. The State coordinator shall be an employee of the Office of State Human Resources. The State coordinator shall be responsible for day-to-day NC-Thinks program management and administration of the technical aspects of the program.~~The State coordinator shall be an ex officio voting member of the State Suggestion Review Committee."~~

SECTION 13.(c) G.S. 143-345.24 is repealed.

SECTION 13.(d) G.S. 143-345.25 reads as rewritten:

"§ 143-345.25. Innovations deemed property of the State; effect of decisions regarding bonuses.

(a) All suggestions or innovations submitted by State employees pursuant to this Article are the property of the State, and all related intellectual property rights shall be assigned to the State. By January 1, 2002, the Office of State Human Resources shall establish a policy regarding intellectual property rights that arise from NC-Thinks.

(b) Decisions regarding the award of bonuses by the agency coordinator and the ~~State Suggestion Review Committee~~Office of State Human Resources are final and are not subject to review under the contested case procedures of Chapter 150B of the General Statutes."

STATEWIDE PORTAL COMMITTEE

SECTION 14. Section 6A.12(h) of S.L. 2012-142 is repealed.

WHOLESALE DISTRIBUTOR ADVISORY COMMITTEE

SECTION 15. G.S. 106-145.11 is repealed.

MOTOR VEHICLE DEALERS' ADVISORY BOARD

SECTION 16.(a) G.S. 20-305.4 is repealed.

SECTION 16.(b) G.S. 20-305.5(l) reads as rewritten:

"(l) The provisions of G.S. 20-305(4) through G.S. 20-305(28) and G.S. 20-305.2 to ~~G.S. 20-305.4~~G.S. 20-305.3 shall not apply to manufacturers of or dealers in mobile or manufactured type housing or who sell or distribute only nonmotorized recreational trailers; provided, however, that unless specifically exempted, each of these provisions shall be applicable

to all recreational vehicle manufacturers, factory branches, distributors, and distributor branches who sell or distribute any motorized recreational vehicles in this State. The provisions of G.S. 20-305.1 shall not apply to manufacturers of or dealers in mobile or manufactured type housing."

SECTION 16.(c) This section becomes effective June 30, 2023.

BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE

SECTION 17. Section 3 of S.L. 2003-404 is repealed.

BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS

SECTION 18.(a) G.S. 116-233(a) reads as rewritten:

"(a) Notwithstanding the provisions of G.S. 116-31(d), there shall be a Board of Trustees of the School, which shall consist of up to 30 members as follows:

- ...
- (3) Three members, ex officio, who shall be the chief academic officers, respectively, of constituent ~~institutions.~~ institutions or the members' designees. The Board of Governors shall in 1985 and quadrennially thereafter designate the three constituent institutions whose chief academic officers or officers' designees shall so serve, such designations to expire on June 30, 1989, and quadrennially thereafter.
 - (4) The chief academic officer of a college or university in North Carolina other than a constituent institution, ~~ex officio.~~ or the chief academic officer's designee. The Board of Governors shall designate in 1985 and quadrennially thereafter which college or university whose chief academic officer or officer's designee shall so serve, such designation to expire on June 30, 1989, and quadrennially thereafter.

...."

SECTION 18.(b) G.S. 116-233(f) reads as rewritten:

"(f) Whenever an appointed member of the Board of Trustees shall fail, for any reason other than ill health or service in the interest of the State or nation, to be present at three successive regular meetings of the Board, his or her place as a member of the Board shall be deemed vacant. The office of any member of the Board who serves ex officio under subdivisions (3) and (4) of subsection (a) of this section shall not be declared vacant if the member or the member's designee has complied with the attendance requirements of this subsection."

JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

SECTION 20.(a) G.S. 120-74 reads as rewritten:

"§ 120-74. Appointment of members; terms of office.

The Commission shall consist of 42 members. The President pro tempore of the Senate, the Speaker pro tempore of the House, the Deputy President pro tempore of the Senate, the Majority Leader of the House of Representatives, and the Majority Leader of the Senate and the Speaker of the House shall serve as ex officio members of the Commission. The Speaker of the House of Representatives shall appoint 21 members from the House, at least five of whom are members of the minority party. The President pro tempore of the Senate shall appoint 21 members from the Senate, at least five of whom are members of the minority party. A quorum of the Commission shall be a majority of its members. Vacancies created by resignation or otherwise shall be filled by the original appointing authority. Members shall serve two-year terms beginning and ending on January 15 of the odd-numbered years. Members shall not be disqualified from completing a term of service on the Commission because they fail to run or are defeated for reelection.

Resignation or removal from the General Assembly shall constitute resignation or removal from membership on the Commission."

SECTION 20.(b) G.S. 120-75 reads as rewritten:

"§ **120-75. Organization of the ~~Commission~~Commission; subcommittees.**

(a) The President pro tempore of the Senate and the Speaker of the House of Representatives shall serve as ~~cochairmen~~cochairs of the Commission. Either of the ~~cochairmen~~cochairs may call a meeting of the Commission.

(b) Notwithstanding G.S. 120-19.7, the cochairs of the Commission may designate subcommittees to conduct hearings, call witnesses, and inquire into any matters properly before the Commission. The cochairs of the Commission shall appoint members of a subcommittee. The President Pro Tempore of the Senate shall appoint the Senate cochair, and the Speaker of the House of Representatives shall appoint the House cochair of a subcommittee. Either cochair of a subcommittee may call a meeting of the subcommittee. A quorum of a subcommittee shall be a majority of its members. A member of the House of Representatives or the Senate may be appointed to a subcommittee, even if the member has not been appointed to the Commission. A duly constituted subcommittee shall have all the powers of the Commission and may utilize staff to the Commission. Members of a subcommittee shall receive subsistence and travel expenses as provided in G.S. 120-78. Members of a subcommittee serve at the pleasure of the appointing officer. The cochairs may dissolve a subcommittee of the Commission at any time."

PERMANENCY INNOVATION INITIATIVE OVERSIGHT COMMITTEE

SECTION 21. G.S. 131D-10.9A is repealed.

NORTH CAROLINA BOARD OF SCIENCE, TECHNOLOGY, AND INNOVATION

SECTION 22.(a) G.S. 143B-472.81 reads as rewritten:

"§ **143B-472.81. North Carolina Board of Science, Technology, and Innovation; membership; organization; compensation; staff services.**

(a) The North Carolina Board of Science, Technology, and Innovation consists of the Governor, the Secretary of Commerce, and 23 members appointed as follows: the Governor shall appoint one member from the University of North Carolina at Chapel Hill, one member from North Carolina State University at Raleigh, and two members from other components of the University of North Carolina, one of which shall be from a historically black college or university, all nominated by the President of the University of North Carolina; one member from Duke University, nominated by the President of Duke University; one member from a private college or university, other than Duke University, in North Carolina, nominated by the President of the Association of Private Colleges and Universities; one member of the North Carolina Community College System; one member representing K-12 public education; six members from private industry in North Carolina; and seven at-large members. Two members shall be appointed by the General Assembly, one shall be appointed upon the recommendation of the President Pro Tempore of the Senate, and one shall be appointed upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. The nominating authority for any vacancy on the Board among members appointed by the Governor shall submit to the Governor two nominations for each position to be filled, and the persons so nominated shall represent different disciplines.

(b) Members shall be appointed to the Board for the following terms of office:

(1) Members appointed to the Board by the General Assembly shall serve for two-year terms beginning 1 July of odd-numbered years. ~~Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. The two members from public agencies shall serve for terms expiring at the end of the term of the Governor appointing them.~~

- (2) The other 13 six members from private industry and seven at-large members appointed to the Board by the Governor shall serve for four-year terms, and until their successors are appointed and qualified. Of those 13 members, six shall serve for terms that expire on 30 June of years that follow by one year those years that are evenly divisible by four, and seven shall serve for terms that expire on 30 June of years that follow by three years those years that are evenly divisible by four.
- (3) The members representing the following shall serve four-year terms beginning July 1, 2021, and every four years thereafter:
 - a. North Carolina State University.
 - b. A component of The University of North Carolina.
 - c. A private college or university, other than Duke University.
 - d. The North Carolina Community College System.
- (4) The members representing the following shall serve four-year terms beginning July 1, 2023, and every four years thereafter:
 - a. The University of North Carolina at Chapel Hill.
 - b. A historically black college or university that is a constituent institution of The University of North Carolina.
 - c. Duke University.
 - d. K-12 public education.

(b1) Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Any appointment to fill a vacancy on the Board created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

(c) The Governor or the Governor's designee shall serve as chair of the Board. The vice-chair and the secretary of the Board shall be designated by the Governor or the Governor's designee from among the members of the Board.

(d) The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

(e) Members of the Board who are employees of State agencies or institutions shall receive subsistence and travel allowances authorized by G.S. 138-6. Legislative members of the Board shall receive subsistence and travel allowances authorized by G.S. 120-3.1.

(f) A majority of the Board constitutes a quorum for the transaction of business.

(g) The Secretary of Commerce shall provide all clerical and other services required by the Board."

SECTION 22.(b) The terms of certain members serving on the North Carolina Board of Science, Technology, and Innovation as of the date this section becomes law shall expire as follows:

- (1) The terms of representatives of the following shall expire June 30, 2021:
 - a. North Carolina State University.
 - b. A component of The University of North Carolina.
 - c. A private college or university, other than Duke University.
 - d. The North Carolina Community College System.
- (2) The terms of representatives of the following shall expire June 30, 2023:
 - a. The University of North Carolina at Chapel Hill.
 - b. A historically black college or university that is a constituent institution of The University of North Carolina.
 - c. Duke University.
 - d. K-12 public education.

SECTION 22.(c) This section is effective when it becomes law and applies to the terms of all members serving on the North Carolina Board of Science, Technology, and Innovation as of that date, and thereafter.

NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY

SECTION 23. G.S. 90-625(c) reads as rewritten:

"(c) Each member of the Board shall serve for a term of three years, ending on June 30 of the last year of the term. A member shall not be appointed to serve more than two consecutive full terms."

NCWORKS COMMISSION

SECTION 24.(a) G.S. 143B-438.10 reads as rewritten:

"§ 143B-438.10. NCWorks Commission.

...

(b) Membership. – The Commission shall consist of ~~33~~37 members appointed as follows:

(1) By virtue of their offices, the following persons, or their designees, shall serve on the Commission:

- a. The Governor.
- b. The Secretary of the Department of Administration.
- c. The Secretary of the Department of Commerce.
- d. The Secretary of the Department of Health and Human Services.
- e. The Superintendent of Public Instruction.
- f. The President of the Community Colleges System Office.
- g. The President of The University of North Carolina system.
- h. The State official with primary responsibility for Adult Education and Family Literacy (Title II of the Workforce Innovation and Opportunity Act, P.L. 113-128, as amended).
- i. The State official with primary responsibility for Vocational Rehabilitation or Services for the Blind (Title IV of the Workforce Innovation and Opportunity Act, P.L. 113-128, as amended).

(2) Pursuant to the provisions of section 101 of the Workforce Innovation and Opportunity Act, the Governor shall appoint ~~26~~28 members as follows:

- a. ~~Seventeen~~Nineteen members representing business and industry in the State.
- b. Seven members representing the workforce in the State.
- c. One member representing local elected city officials in the State.
- d. One member representing local elected county officials in the State.

(3) Repealed by Session Laws 2015-241, s. 15.11(a), effective July 1, 2015.

(b1) Terms. – The persons listed in subdivision (1) of subsection (b) of this section shall serve on the Commission while they hold their respective offices. The terms of the members appointed by the Governor pursuant to subdivision (2) of subsection (b) of this section shall be for four years, except as provided in this subsection. The terms shall be staggered and shall begin on November 1 and expire on October 31. Upon the expiration of the term of each member in subdivision (2) of subsection (b) of this section, the Governor shall fill the vacancy by reappointing the member or appointing another person of like qualification to serve a four-year term. If a vacancy occurs for any reason other than the expiration of the member's term, the Governor shall appoint a person of like qualification to serve for the remainder of the unexpired term.

In order to provide for staggered terms, six persons appointed to the positions designated in sub-subdivision a. of subdivision (2) of subsection (b) of this section and three persons appointed to the positions designated in sub-subdivision b. of subdivision (2) of subsection (b) of this

section shall be appointed for initial terms ending on October 31, 2019. Five persons appointed to the positions designated in sub-subdivision a. of subdivision (2) of subsection (b) of this section, two persons appointed to the positions designated in sub-subdivision b. of subdivision (2) of subsection (b) of this section, and one person appointed to the position designated in sub-subdivision c. of subdivision (2) of subsection (b) of this section shall be appointed for initial terms ending on October 31, 2017. Six persons appointed to the positions designated in sub-subdivision a. of subdivision (2) of subsection (b) of this section, two persons appointed to the positions designated in sub-subdivision b. of subdivision (2) of subsection (b) of this section, and one person appointed to the position designated in sub-subdivision d. of subdivision (2) of subsection (b) of this section shall be appointed for initial terms ending on October 31, 2016. Two persons appointed to the positions designated in sub-subdivision a. of subdivision (2) of subsection (b) of this section shall be appointed for an initial term ending on October 31, 2021.

...."

SECTION 24.(b) This section is effective when it becomes law.

STATE MARKETING AUTHORITY

SECTION 25.(a) Article 47 of Chapter 106 of the General Statutes is repealed.

SECTION 25.(b) G.S. 105-278.1(c) reads as rewritten:

"(c) For purposes of this section:

- (1) A specified unit of government (federal, State, or local) includes its departments, institutions, and agencies.
- (2) By way of illustration but not by way of limitation, the following boards, commissions, authorities, and institutions are units of State government:
 - a. ~~The State Marketing Authority established by G.S. 106-529.~~
 - b. The Board of Governors of the University of North Carolina incorporated under the provisions of G.S. 116-3 and known as "The University of North Carolina."
 - c. The North Carolina Museum of Art made an agency of the State under G.S. 140-5.12."

NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY

SECTION 25.1. G.S. 63A-3(b) reads as rewritten:

"(b) Board of Directors. – The Authority shall be governed by a Board of Directors. The Board shall consist of at least the following 20 members:

- (1) Six members appointed by the Governor. One member shall be representative of the economic development industry, two members shall be representative of the commercial real estate development industry, two members shall be representative of the banking and finance industry, and one member shall be representative of environmental interests. ~~Of the Governor's six appointments, at least one member shall come from each of the State's three regions: Western, Piedmont, and Eastern.~~
- (2) Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. One member shall be representative of the aerospace and aviation industry, one member shall be representative of advanced manufacturing industries, and one member shall be representative of the logistics and supply chain management industry.
- (3) Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. One member shall be representative of the aerospace and aviation industry, one member shall be representative of the emergency

response and disaster relief industries, and one member shall be representative of the defense and security industry.

- (4) The State Treasurer, who shall serve as an ex officio nonvoting member.
- (5) The President of the North Carolina System of Community Colleges, Colleges or the President's designee, provided that the President of the North Carolina Community Colleges may instead appoint to the Board of Directors one member of the board of trustees of a community college or one president of a community college. If such an appointment is made, the appointee shall serve at the pleasure of the President.
- (6) The President of The University of North Carolina, Carolina or the President's designee, provided that the President of the University of North Carolina may instead appoint to the Board of Directors one member of the board of trustees of a constituent institution of The University of North Carolina, or one chancellor of a constituent institution of The University of North Carolina. If such an appointment is made, the appointee shall serve at the pleasure of the President.
- (7) The Chairman of the State Ports Authority.
- (8) One member appointed by the board of county commissioners of any county in which the cargo airport complex site is located.
- (9) One member appointed by the city council of the city which is a county seat of any county in which the cargo airport complex site is located.
- (10) The Commissioner of Agriculture, Agriculture or the Commissioner's designee.
- (11) The Secretary of the Department of Commerce, Commerce or the Secretary's designee.

Within 90 days after the Authority acquires land, either by purchase or condemnation, for development as part of a cargo airport complex site, the board of county commissioners in any county in which a portion of the land is located and the city council of the city which is the county seat of the county shall, by resolution, each appoint a person to serve as a member of the Board. If the board of commissioners or the city council appoints one of its own members to the Board, the county commissioner or the member of the city council who is appointed is considered to be serving on the Board as an ex officio voting member as part of the duties of the office of county commissioner or the office of city council member, in accordance with G.S. 128-1.2, and is not considered to be serving in a separate office. Notwithstanding G.S. 116-31(h), a member of the board of trustees of a constituent institution of The University of North Carolina appointed to the Board of Directors under subdivision (6) of this subsection may concurrently serve on the board of trustees and the Board of Directors. Notwithstanding any other provision of law, the Governor may serve on the Board of Directors by his own appointment on or after July 16, 1991, under subdivision (1) of this subsection.

As the holder of an office, each member of the Board shall take the oath required by Article VI, § 7 of the North Carolina Constitution before assuming the duties of a Board member."

STATE BOARD OF COMMUNITY COLLEGES ELECTIONS CHANGES

SECTION 25.2.(a) Article 1 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-2.2. State Board of Community Colleges.

- (a) The State Board of Community Colleges is established.
- (b) The State Board of Community Colleges shall consist of 22 members, as follows:
 - (1) The Lieutenant Governor or the Lieutenant Governor's designee shall be a member ex officio.

- (2) The Treasurer of North Carolina or the Treasurer's designee shall be a member ex officio.
- (3) The Commissioner of Labor or the Commissioner's designee shall be a member ex officio.
- (4) The Governor shall appoint to the State Board four members from the State at large and one member from each of the six Trustee Association Regions defined in G.S. 115D-62. Each appointment by the Governor shall be for a term of four years and until a successor is appointed and qualifies. Any vacancy occurring among the Governor's appointees before the expiration of term shall be filled by appointment of the Governor. The member appointed to fill a vacancy shall meet the same residential qualification, if any, as the vacating member and shall serve for the remainder of the unexpired term of that member.
- (5) The General Assembly shall elect eight members of the State Board from the State at large to a term of four years and until a successor is elected and qualifies. The Senate shall elect four members and the House of Representatives shall elect four members in accordance with subsection (c) of this section.
- (6) The person serving as president of the North Carolina Comprehensive Community College Student Government Association shall be an ex officio member of the State Board. If the president of the Association is unable for any reason to serve as the student member of the State Board, then pursuant to the constitution of the Association, the vice-president of the Association shall serve as the student member of the State Board. Any person serving as the student member of the State Board must be a student in good standing at a North Carolina community college. The student member of the State Board shall have all the rights and privileges of membership, except that the student member shall not have a vote.

(c) At each session of the General Assembly held in an odd-numbered year, the Senate and the House of Representatives shall select from a slate of candidates made in each chamber. The slate shall be prepared as provided by resolution in each chamber. If a sufficient number of nominees who are legally qualified are submitted, then the slate of candidates shall list at least twice the number of candidates for the total seats open. All qualified candidates shall compete against all other qualified candidates. All candidates shall submit a statement of economic interest to the State Ethics Commission for review under G.S. 138A-24.

(d) When a vacancy occurs among the members elected by the two chambers of the General Assembly, the chamber that originally elected the vacating member shall elect a person to fill the vacancy in the same manner as required for election under subsection (c) of this section when the General Assembly next convenes. The election shall be for the remainder of the unexpired term.

(e) Upon receipt of a referral from the State Ethics Commission in accordance with G.S. 138A-12(m) concerning a member of the State Board of Community Colleges, the principal clerk of the chamber of the General Assembly receiving the referral shall immediately refer the matter to the committee selected pursuant to subsection (c) of this section. That committee may recommend to that chamber a resolution providing for the removal of the Board member. If the committee's proposed resolution is adopted by a majority of the members present and voting of that chamber, the public servant shall be removed, and the seat previously held by that Board member becomes vacant.

(f) No person may be appointed or elected to more than two consecutive terms of four years on the State Board. Election or appointment to a partial term to fill a vacancy does not count toward the term limitation.

(g) No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No spouse of a member of the General Assembly or of an officer or employee of the Community College System or of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No person who within the prior five years has been an employee of the Community Colleges System Office shall be eligible to serve on the State Board.

(h) At its first meeting after July 1 of each odd-numbered year, the State Board shall elect from its membership a chair and such other officers as it may deem necessary.

(i) The State Board of Community Colleges shall meet at stated times established by the State Board, but not less frequently than 10 times a year. The State Board of Community Colleges shall also meet with the State Board of Education and the Board of Governors of The University of North Carolina at least once a year to discuss educational matters of mutual interest and to recommend to the General Assembly such policies as are appropriate to encourage the improvement of public education at every level in this State; these joint meetings shall be hosted by the three Boards according to the schedule set out in G.S. 115C-11(b1). Special meetings of the State Board may be set at any regular meeting or may be called by the chair. A majority of the qualified members of the State Board shall constitute a quorum for the transaction of business.

(j) Whenever any vacancy shall occur in the appointed or elected membership of the State Board, the chair shall inform the appropriate appointing or electing authority of the vacancy.

(k) The State Board of Community Colleges may declare vacant the office of an appointed or elected member who does not attend three consecutive scheduled meetings without justifiable excuse. The chair of the State Board shall notify the appropriate appointing or electing authority of any vacancy."

SECTION 25.2.(b) G.S. 115D-2.1 is repealed.

SECTION 25.2.(c) G.S. 138A-24(f) reads as rewritten:

"(f) The Commission shall prepare a written evaluation of each statement of economic interest for nominees of the Board of Governors of The University of North Carolina elected pursuant to G.S. 116-6, and nominees of the State Board of Community Colleges elected pursuant to ~~G.S. 115D-2.1~~ G.S. 115D-2.2 within seven days of the submission of the completed statement of economic interest to the Commission."

SECTION 25.2.(d) Notwithstanding G.S. 115D-2.2, as enacted by this act, the following shall be the terms of office for members elected or appointed in 2021:

- (1) The House of Representatives shall elect two members to six-year terms.
- (2) The Senate shall elect two members to six-year terms.
- (3) The Governor shall appoint four members to six-year terms.

SECTION 25.2.(e) Notwithstanding G.S. 115D-2.2, as enacted by this act, the following shall be the terms of office for members elected or appointed in 2023:

- (1) The House of Representatives shall elect one member to a two-year term.
- (2) The Senate shall elect one member to a two-year term.
- (3) The Governor shall appoint two members to two-year terms and one member to a four-year term.

Upon the expiration of the terms elected and appointed in 2021 and 2023, all elections and appointments shall be for four-year terms, as required by G.S. 115D-2.2, as enacted by this act.

SECTION 25.2.(f) This section is effective when it becomes law and applies beginning with the election or appointment of members to the State Board of Community Colleges to terms beginning on July 1, 2021.

EFFECTIVE DATE

SECTION 26. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 15th day of July, 2021.

s/ Carl Ford
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:01 p.m. this 22nd day of July, 2021