

## Article 2.

### Organization of Utilities Commission.

#### **§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies; compensation; other employment prohibited.**

(a) The North Carolina Utilities Commission shall consist of five commissioners who shall be appointed as follows: two by the Governor, one by the State Treasurer, one by the General Assembly, upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and one by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. Each commissioner shall serve for a term of six years commencing on July 1 of the year in which the predecessor term expired and ending on June 30 of the sixth year thereafter. Commissioners appointed by the Governor and Treasurer are subject to confirmation by the General Assembly by joint resolution. The names of commissioners to be appointed by the Governor and Treasurer shall be submitted by the Governor and Treasurer to the General Assembly for confirmation by the General Assembly on or before May 1, of the year in which the terms for which the appointments are to be made are to expire. Upon failure of the Governor or Treasurer to submit names as herein provided, the President Pro Tempore of the Senate and Speaker of the House of Representatives jointly shall submit the names of a like number of commissioners to the General Assembly on or before May 15 of the same year for confirmation by the General Assembly. Regardless of the way in which names of commissioners are submitted, confirmation of commissioners must be accomplished prior to adjournment of the then current session of the General Assembly.

(b) Repealed by Session Laws 2023-136, s. 10.1(a), effective October 10, 2023.

(c) Repealed by Session Laws 2023-136, s. 10.1(a), effective October 10, 2023.

(d) A commissioner in office shall continue to serve until his successor is duly confirmed and qualified but such holdover shall not affect the expiration date of such succeeding term.

(e) On July 1, 1965, and every three years thereafter, one of the commissioners shall be elected by and from the members of the Commission to serve as chairman of the Commission for the succeeding three years and until his or her successor is duly confirmed and qualifies. Upon death or resignation of the commissioner appointed as chairman, the chairman shall be elected by and from the remaining commissioners.

(f) In case of death, incapacity, resignation or vacancy for any other reason in the office of any commissioner appointed by the Governor prior to the expiration of the commissioner's term of office, the name of the successor shall be submitted to the General Assembly by the Governor within four weeks after the vacancy arises for confirmation by the General Assembly. Upon failure of the Governor to submit the name of the successor, the President Pro Tempore and Speaker of the House jointly shall submit the name of a successor to the General Assembly within six weeks after the vacancy arises. Regardless of the way in which names of commissioners are submitted, confirmation of commissioners must be accomplished prior to the adjournment of the then current session of the General Assembly. In case of death, incapacity, resignation, or vacancy for any other reason in the office of any commissioner appointed by the General Assembly prior to the expiration of the commissioner's term of office, the vacancy shall be filled as provided in G.S. 120-122. In case of death, incapacity, resignation, or vacancy for any other reason in the office of the commissioner appointed by the State Treasurer prior to the expiration of the commissioner's term of office, the vacancy shall be filled by the State Treasurer.

(g) If a vacancy arises or exists pursuant to either subsection (a) or (f) of this section when the General Assembly is not in session, and the appointment is deemed urgent by the Governor, the commissioner may be appointed and serve on an interim basis pending confirmation by the General Assembly; provided, however, no person may be appointed to serve on an interim basis pending confirmation by the General Assembly if the person was subject to but not confirmed by

the General Assembly within the preceding four years. The limitation on appointment contained in this subsection includes, among other things, unfavorable action on a joint resolution for confirmation, such as the resolution failing on any reading in either chamber of the General Assembly, and failure to ratify a joint resolution for confirmation prior to adjournment of the then current session of the General Assembly.

(h) The salary of each commissioner and that of the commissioner designated as chairman shall be set by the General Assembly in the Current Operations Appropriations Act. In lieu of merit and other increment raises paid to regular State employees, each commissioner, including the commissioner designated as chairman, shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, and nine and six-tenths percent (9.6%) after 10 years of service. "Service" means service as a member of the Utilities Commission.

(h1) In addition to compensation for their services, each member of the Commission who lives at least 50 miles from the City of Raleigh shall be paid a weekly travel allowance for each week the member travels to the City of Raleigh from the member's home for business of the Commission. The allowance shall be calculated for each member by multiplying the actual round-trip mileage from that member's home to the City of Raleigh by the rate-per-mile which is the business standard mileage rate set by the Internal Revenue Service in Rev. Proc. 93-51, December 27, 1993.

(i) The standards of judicial conduct provided for judges in Article 30 of Chapter 7A of the General Statutes shall apply to members of the Commission. Members of the Commission shall be liable to impeachment for the causes and in the manner provided for judges of the General Court of Justice in Chapter 123 of the General Statutes. Members of the Commission shall not engage in any other employment, business, profession, or vocation while in office.

(j) Except as provided in subsection (h1) of this section, members of the Commission shall be reimbursed for travel and subsistence expenses at the rates allowed to State officers and employees by G.S. 138-6(a). (1941, c. 97, s. 2; 1949, c. 1009, s. 1; 1959, c. 1319; 1963, c. 1165, s. 1; 1967, c. 1238; 1975, c. 243, s. 3; c. 867, ss. 1, 2; 1977, c. 468, s. 1; c. 913, s. 2; 1983 (Reg. Sess., 1984), c. 1116, s. 91; 1989, c. 781, s. 41.2; 1993 (Reg. Sess., 1994), c. 769, s. 7.4(b); 1996, 2nd Ex. Sess., c. 18, s. 28.2(b); 1997-443, s. 33.5; 1999-237, s. 28.21(a), (b); 2011-145, s. 14.8A(a); 2018-114, s. 23(a); 2023-136, s. 10.1(a); 2024-57, s. 3F.1(a).)