

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 10  
Rules and Operations of the Senate Committee Substitute Adopted 2/5/13  
Third Edition Engrossed 2/6/13  
House Committee Substitute Favorable 2/27/13  
House Committee Substitute #2 Favorable 2/28/13  
Sixth Edition Engrossed 3/4/13

Short Title: Government Reorganization and Efficiency Act.

(Public)

Sponsors:

Referred to:

January 31, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT  
3 OF 2013.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS**  
7 **THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED**  
8 **CRITICAL TO GOVERNMENT OPERATIONS**

9  
10 **LOTTERY OVERSIGHT COMMISSION**

11 SECTION 1.1.(a) G.S. 18C-172 is repealed.

12 SECTION 1.1.(b) G.S. 18C-115 reads as rewritten:

13 "**§ 18C-115. Reports.**

14 The Commission shall send quarterly and annual reports on the operations of the  
15 Commission to the Governor, State Treasurer, ~~the Lottery Oversight Committee,~~ and to the  
16 General Assembly. The reports shall include complete statements of lottery revenues, prize  
17 disbursements, expenses, net revenues, and all other financial transactions involving lottery  
18 funds, including the occurrence of any audit."  
19

20 **SMALL BUSINESS CONTRACTOR AUTHORITY**

21 SECTION 1.2. Part 20 of Article 10 of Chapter 143B of the General Statutes,  
22 G.S. 143B-472.100 through G.S. 143B-472.112, is repealed.  
23

24 **COMMITTEE ON DROPOUT PREVENTION**

25 SECTION 1.3. Article 6B of Chapter 115C of the General Statutes,  
26 G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.  
27

28 **STATE EDUCATION COMMISSION ESTABLISHED IN CHAPTER 116C OF THE**  
29 **GENERAL STATUTES**

30 SECTION 1.4.(a) G.S. 116C-1 reads as rewritten:

31 "**§ 116C-1. Education Cabinet created.**

32 ...



- (c) The Education Cabinet shall be a nonvoting body that:
- (1) Works to resolve issues between existing providers of education.
  - ~~(2) Sets the agenda for the State Education Commission.~~
  - (3) Develops a strategic design for a continuum of education programs, in accordance with G.S. 116C-3.
  - (4) Studies other issues referred to it by the Governor or the General Assembly.

...."

**SECTION 1.4.(b)** G.S. 116C-2 is repealed.

**STATE EDUCATION COMMISSION ESTABLISHED IN ARTICLE 26 OF CHAPTER 143 OF THE GENERAL STATUTES**

**SECTION 1.5.** Article 26 of Chapter 143 of the General Statutes, G.S. 143-261 through G.S. 143-266, is repealed.

**NATIONAL HERITAGE AREA DESIGNATION COMMISSION**

**SECTION 1.6.** Section 18.10 of S.L. 2001-491 reads as rewritten:

**"SECTION 18.10.** Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall develop a regional heritage tourism plan and shall present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May 1, 2002. The National Heritage Area Designation Commission created pursuant to Section 18.4 of this act shall terminate July 1, 2013."

**GOVERNOR'S MANAGEMENT COUNCIL**

**SECTION 1.7.** Part 24 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.22, is repealed.

**CENTER FOR NURSING**

**SECTION 1.8.** G.S. 90-171.71 and G.S. 90-171.72 are repealed.

**BOARD OF CORRECTION**

**SECTION 1.9.(a)** G.S. 143B-711 reads as rewritten:

**"§ 143B-711. Division of Adult Correction of the Department of Public Safety – organization.**

The Division of Adult Correction of the Department of Public Safety shall be organized initially to include the Post-Release Supervision and Parole Commission, ~~the Board of Correction,~~ the Section of Prisons of the Division of Adult Correction, the Section of Community Corrections, the Section of Alcoholism and Chemical Dependency Treatment Programs, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

**SECTION 1.9.(b)** G.S. 143B-715 is repealed.

**BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS**

**SECTION 1.10.(a)** Part 22 of Article 9 of Chapter 143B of the General Statutes is repealed.

**SECTION 1.10.(b)** G.S. 120-123(4) is repealed.

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

**SECTION 1.11.** Board of Directors of the Certification Entity for Phase II Settlement Funds, established pursuant to S.L. 1999-333, is abolished.

1  
2 **ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND**  
3 **COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS**

4 **SECTION 1.12.** The following Session Laws are repealed:

- 5 (1) Section 26 of S.L. 2010-169, which established the Public Funding of  
6 Council of State Elections Commission.  
7 (2) Section 11 of S.L. 2005-442, as amended by S.L. 2006-73, S.L. 2008-81,  
8 S.L. 2009-306, and S.L. 2011-266, which established the Legislative  
9 Commission on Global Climate Change.  
10 (3) S.L. 2011-301, which established the Arts Education Commission.

11  
12 **NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL**

13 **SECTION 1.13.(a)** Section 4 of S.L. 2009-530, as rewritten by S.L. 2012-75, reads  
14 as rewritten:

15 "SECTION 4. This act is effective when it becomes law and shall expire on July 31,  
16 2015-July 1, 2013."

17 **SECTION 1.13.(b)** The Department of Agriculture and North Carolina's land grant  
18 universities shall continue to collaborate on promoting local food production and consumption  
19 in North Carolina.

20  
21 **PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS**

22  
23 **COASTAL RESOURCES COMMISSION**

24 **SECTION 2.1.(a)** G.S. 113A-104 reads as rewritten:

25 **"§ 113A-104. Coastal Resources Commission.**

26 (a) Established. – The General Assembly hereby establishes within the Department of  
27 Environment and Natural Resources a commission to be designated the Coastal Resources  
28 Commission.

29 (b) ~~Composition.—The Coastal Resources Commission shall consist of 15 members~~  
30 ~~appointed by the Governor, as follows:~~

- 31 (1) ~~One who shall at the time of appointment be actively connected with or have~~  
32 ~~experience in commercial fishing.~~  
33 (2) ~~One who shall at the time of appointment be actively connected with or have~~  
34 ~~experience in wildlife or sports fishing.~~  
35 (3) ~~One who shall at the time of appointment be actively connected with or have~~  
36 ~~experience in marine ecology.~~  
37 (4) ~~One who shall at the time of appointment be actively connected with or have~~  
38 ~~experience in coastal agriculture.~~  
39 (5) ~~One who shall at the time of appointment be actively connected with or have~~  
40 ~~experience in coastal forestry.~~  
41 (6) ~~One who shall at the time of appointment be actively connected with or have~~  
42 ~~experience in coastal land development.~~  
43 (7) ~~One who shall at the time of appointment be actively connected with or have~~  
44 ~~experience in marine-related business (other than fishing and wildlife).~~  
45 (8) ~~One who shall at the time of appointment be actively connected with or have~~  
46 ~~experience in engineering in the coastal area.~~  
47 (9) ~~One who shall at the time of appointment be actively associated with a State~~  
48 ~~or national conservation organization.~~  
49 (10) ~~One who shall at the time of appointment be actively connected with or have~~  
50 ~~experience in financing of coastal land development.~~

1           ~~(11) Two who shall at the time of appointment be actively connected with or~~  
2           ~~have experience in local government within the coastal area.~~

3           ~~(12) Three at-large members.~~

4           **(b1) Composition.** – The Coastal Resources Commission shall consist of 13 members as  
5 follows:

6           (1) One appointed by the Governor who shall, at the time of appointment, be a  
7 coastal property owner or experienced in land development.

8           (2) One appointed by the Governor who shall, at the time of appointment, be a  
9 coastal property owner or experienced in land development.

10          (3) One appointed by the Governor who shall, at the time of appointment, be  
11 actively connected with or have experience in engineering in the coastal area  
12 or a marine related science.

13          (4) One appointed by the Governor who shall, at the time of appointment, be  
14 actively connected with or have experience in engineering in the coastal area  
15 or a marine related science.

16          (5) One appointed by the Governor who shall, at the time of appointment, be  
17 actively connected with or have experience in coastal-related business.

18          (6) One appointed by the Governor who shall, at the time of appointment, be  
19 actively connected with or have experience in local government within the  
20 coastal area.

21          (7) One appointed by the Governor who shall, at the time of appointment, be  
22 actively connected with or have experience in coastal agriculture.

23          (8) One appointed by the Governor who shall, at the time of appointment, be  
24 actively connected with or have experience in commercial fishing.

25          (9) One appointed by the Governor who shall, at the time of appointment, be  
26 actively connected with or have experience in coastal forestry.

27          (10) One appointed by the General Assembly upon recommendation of the  
28 Speaker of the House of Representatives in accordance with G.S. 120-121  
29 who shall, at the time of appointment, be actively connected with or have  
30 experience in sports fishing.

31          (11) One appointed by the General Assembly upon recommendation of the  
32 Speaker of the House of Representatives in accordance with G.S. 120-121  
33 who shall serve at large.

34          (12) One appointed by the General Assembly upon recommendation of the  
35 President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
36 shall, at the time of appointment, be actively connected with or have  
37 experience in wildlife.

38          (13) One appointed by the General Assembly upon recommendation of the  
39 President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
40 shall serve at large.

41          **(c) Appointment of Members.** – The term "appointing authority" appearing anywhere in  
42 this section means the Governor in the case of members appointed by the Governor and means  
43 the General Assembly in the case of members appointed by the General Assembly.  
44 Appointments to the Commission shall be made to provide knowledge and experience in a  
45 diverse range of coastal interests. The members of the Commission shall serve and act on the  
46 Commission solely for the best interests of the public and public trust, and shall bring their  
47 particular knowledge and experience to the Commission for that end alone. Counties and cities  
48 in the coastal area may designate and transmit to the appointing authorities no later than May 1  
49 of each even-numbered year qualified persons in the categories set out in subsection (b1) of this  
50 section corresponding to the Commission positions to be filled that year.

1 The Governor shall appoint in his sole discretion those members of the Commission whose  
2 qualifications are described in subdivisions (6) and (10), and one of the three members  
3 described in subdivision (12) of subsection (b) of this section.

4 The remaining members of the Commission shall be appointed by the Governor after  
5 completion of the nominating procedures prescribed by subsection (d) of this section.

6 (c1) The members of the Commission whose qualifications are described in subdivisions  
7 (1) through (5), (9), and (11), (3), (6), (7), (8), (9), (11), and (12) shall be persons who do not  
8 derive any significant portion of their income from land development, construction, real estate  
9 sales, or lobbying and do not otherwise serve as agents for development-related business  
10 activities. The Governor shall require adequate disclosure of potential conflicts of interest by  
11 these members. The Governor, by executive order, shall promulgate criteria regarding conflicts  
12 of interest and disclosure thereof for determining the eligibility of persons under this  
13 section-subsection.

14 (c2) All members of the Commission are covered persons for the purposes of Chapter  
15 138A of the General Statutes, the State Government Ethics Act. As covered persons, members  
16 of the Commission shall comply with the applicable requirements of the State Government  
17 Ethics Act, including mandatory training, the public disclosure of economic interests, and  
18 ethical standards for covered persons. Members of the Commission shall comply with the  
19 provisions of the State Government Ethics Act to avoid conflicts of interest.

20 (d) ~~Nominations for Membership.— On or before May 1 in every even numbered year~~  
21 ~~the Governor shall designate and transmit to the board of commissioners in each county in the~~  
22 ~~coastal area four nominating categories applicable to that county for that year. Said nominating~~  
23 ~~categories shall be selected by the Governor from among the categories represented,~~  
24 ~~respectively by subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (11) — two persons, and (12) —~~  
25 ~~two persons, of subsection (b) of this section (or so many of the above listed paragraphs as may~~  
26 ~~correspond to vacancies by expiration of term that are subject to being filled in that year). On or~~  
27 ~~before June 1 in every even numbered year the board of commissioners of each county in the~~  
28 ~~coastal area shall nominate (and transmit to the Governor the names of) one qualified person in~~  
29 ~~each of the four nominating categories that was designated by the Governor for that county for~~  
30 ~~that year. In designating nominating categories from biennium to biennium, the Governor shall~~  
31 ~~equitably rotate said categories among the several counties of the coastal area as in his~~  
32 ~~judgment he deems best; and he shall assign, as near as may be, an even number of nominees to~~  
33 ~~each nominating category and shall assign in his best judgment any excess above such even~~  
34 ~~number of nominees. On or before June 1 in every even numbered year the governing body of~~  
35 ~~each incorporated city within the coastal area shall nominate and transmit to the Governor the~~  
36 ~~name of one person as a nominee to the Commission. In making nominations, the boards of~~  
37 ~~county commissioners and city governing bodies shall give due consideration to the nomination~~  
38 ~~of women and minorities. The Governor shall appoint 12 persons from among said city and~~  
39 ~~county nominees to the Commission. The several boards of county commissioners and city~~  
40 ~~governing bodies shall transmit the names, addresses, and a brief summary of the qualifications~~  
41 ~~of their nominees to the Governor on or before June 1 in each even numbered year, beginning~~  
42 ~~in 1974; provided, that the Governor, by registered or certified mail, shall notify the chairman~~  
43 ~~or the mayors of the said local governing boards by May 20 in each such even numbered year~~  
44 ~~of the duties of local governing boards under this sentence. If any board of commissioners or~~  
45 ~~city governing body fails to transmit its list of nominations to the Governor by June 1, the~~  
46 ~~Governor may add to the nominations a list of qualified nominees in lieu of those that were not~~  
47 ~~transmitted by the board of commissioners or city governing body; Provided however, the~~  
48 ~~Governor may not add to the list a nominee in lieu of one not transmitted by an incorporated~~  
49 ~~city within the coastal area that neither has a population of 2,000 or more nor is contiguous~~  
50 ~~with the Atlantic Ocean. Within the meaning of this section, the "governing body" is the mayor~~  
51 ~~and council of a city as defined in G.S. 160A-66. The population of cities shall be determined~~

1 according to the most recent annual estimates of population as certified to the Secretary of  
2 Revenue by the Secretary of Administration.

3 (e) ~~Residential-Geographic Qualifications. – All nominees of the several boards of~~  
4 ~~county commissioners and city governing bodies must reside within the coastal area, but need~~  
5 ~~not reside in the county from which they were nominated. No more than one of those members~~  
6 ~~appointed by the Governor from among said nominees may reside in a particular county. No~~  
7 ~~more than two members of the entire Commission, at any time, may reside in a particular~~  
8 ~~county. No more than two members of the entire Commission, at any time, may reside outside~~  
9 ~~the coastal area.~~All members of the Commission must be residents of North Carolina and reside  
10 or own real property in the coastal area.

11 (f) Office May Be Held Concurrently with Others. – Membership on the Coastal  
12 Resources Commission is hereby declared to be an office that may be held concurrently with  
13 other elective or appointive offices in addition to the maximum number of offices permitted to  
14 be held by one person under G.S. 128-1.1.

15 (g) Terms. – The members shall serve staggered terms of office of four years. At the  
16 expiration of each member's term, the Governor appointing authority shall reappoint or replace  
17 the member with a new member of like qualification ~~(as~~ specified in subsection (b)(b1)  
18 ~~this section), in the manner provided by subsections (c) and (d) of this section. The initial term~~  
19 ~~shall be determined by the Governor in accordance with customary practice but eight of the~~  
20 ~~initial members shall be appointed for two years and seven for four years.~~section.

21 (h) Vacancies. – In the event of a vacancy arising otherwise than by expiration of term,  
22 the Governor appointing authority shall appoint a successor of like qualification ~~(as~~ specified  
23 ~~in subsection (b)(b1) of this section)~~section who shall then serve the remainder of his  
24 predecessor's term. ~~When any such vacancy arises, the Governor shall immediately notify the~~  
25 ~~board of commissioners of each county in the coastal area and the governing body of each~~  
26 ~~incorporated city within the coastal area. Within 30 days after receipt of such notification each~~  
27 ~~such county board and city governing body shall nominate and transmit to the Governor the~~  
28 ~~name and address of one person who is qualified in the category represented by the position to~~  
29 ~~be filled, together with a brief summary of the qualifications of the nominee. The Governor~~  
30 ~~shall make the appointment from among said city and county nominees. If any county board or~~  
31 ~~city governing body fails to make a timely transmittal of its nominee, the Governor may add to~~  
32 ~~the nominations a qualified person in lieu of said nominee; Provided however, the Governor~~  
33 ~~may not add to the list a nominee in lieu of one not transmitted by an incorporated city within~~  
34 ~~the coastal area that neither has a population of 2,000 or more nor is contiguous with the~~  
35 ~~Atlantic Ocean.~~

36 (i) Officers. – The chairman shall be designated by the Governor from among the  
37 members of the Commission to serve as chairman at the pleasure of the Governor. The  
38 vice-chairman shall be elected by and from the members of the Commission and shall serve for  
39 a term of two years or until the expiration of ~~his~~ the vice-chairman's regularly appointed term.

40 (j) Compensation. – The members of the Commission shall receive per diem and  
41 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

42 (k) ~~In making appointments to and filling vacancies upon the Commission, the~~  
43 ~~Governor shall give due consideration to securing appropriate representation of women and~~  
44 ~~minorities.~~

45 (l) Attendance. – Regular attendance at Commission meetings is a duty of each  
46 member. The Commission shall develop procedures for declaring any seat on the Commission  
47 to be vacant upon failure by a member to perform this duty.

48 (m) Quorum. – A majority of the Commission shall constitute a quorum."

49 **SECTION 2.1.(b)** Transition of Membership of the Coastal Resources  
50 Commission. –

1 (a) Except as otherwise provided in this section, the terms of all members of the Coastal  
2 Resources Commission serving on January 1, 2013, shall expire when this act becomes law. A  
3 new Commission of 13 members shall be appointed in the manner provided by  
4 G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, and this section. Members  
5 appointed in the manner provided by G.S. 113A-104(b1), as enacted by Section 2.1(a) of this  
6 act, shall be appointed no later than July 1, 2013.

7 (1) The member serving pursuant to G.S. 113A-104(b)(1) on January 1, 2013,  
8 shall continue to serve pursuant to G.S. 113A-104(b1)(8), as enacted by  
9 Section 2.1(a) of this act, until June 30, 2014.

10 (2) The member serving pursuant to G.S. 113A-104(b)(2) on January 1, 2013,  
11 shall continue to serve pursuant to G.S. 113A-104(b1)(10), as enacted by  
12 Section 2.1(a) of this act, until June 30, 2014.

13 (3) The member serving pursuant to G.S. 113A-104(b)(11) on January 1, 2013,  
14 whose term would otherwise expire on June 30, 2014, shall continue to serve  
15 pursuant to G.S. 113A-104(b1)(6), as enacted by Section 2.1(a) of this act,  
16 until June 30, 2014.

17 (4) The member serving pursuant to G.S. 113A-104(b)(12) on January 1, 2013,  
18 whose term would otherwise expire on June 30, 2014, shall continue to serve  
19 pursuant to G.S. 113A-104(b1)(9), as enacted by Section 2.1(a) of this act,  
20 until June 30, 2014.

21 (b) Members of the Commission whose qualifications are described by subdivisions (1),  
22 (3), (5), (7), (11), and (13) of G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, shall  
23 be appointed for an initial term of two years, and subsequent appointments shall be for  
24 four-year terms thereafter. Members of the Commission whose qualifications are described by  
25 subdivisions (2), (4), (6), (8), (9), (10), and (12) of G.S. 113A-104(b1), as enacted by Section  
26 2.1(a) of this act, shall be appointed for an initial term of one year and subsequent appointments  
27 shall be for four-year terms thereafter. Initial terms shall expire on June 30 of the year of  
28 expiration.

## 30 COASTAL RESOURCES ADVISORY COUNCIL

31 SECTION 2.2. G.S. 113A-105 reads as rewritten:

### 32 "§ 113A-105. Coastal Resources Advisory Council.

33 (a) Creation. – There is hereby created and established a council to be known as the  
34 Coastal Resources Advisory Council.

35 (b) Membership and Terms. – The Coastal Resources Advisory Council shall consist of  
36 not more than ~~45-20~~ members appointed or designated as follows:

37 ~~(1) Two individuals designated by the Secretary from among the employees of~~  
38 ~~the Department;~~

39 ~~(1a) The Secretary of Commerce or person designated by the Secretary of~~  
40 ~~Commerce;~~

41 ~~(2) The Secretary of Administration or person designated by the Secretary of~~  
42 ~~Administration;~~

43 ~~(3) The Secretary of Transportation or person designated by the Secretary of~~  
44 ~~Transportation; and one additional member selected by the Secretary of~~  
45 ~~Transportation from the Department of Transportation;~~

46 ~~(4) The State Health Director or the person designated by the State Health~~  
47 ~~Director;~~

48 ~~(5) The Commissioner of Agriculture or person designated by the~~  
49 ~~Commissioner of Agriculture;~~

50 ~~(6) The Secretary of Cultural Resources or person designated by the Secretary~~  
51 ~~of Cultural Resources;~~

- 1           (7) ~~One member from each of the four multi-county planning districts of the~~  
2           ~~coastal area to be appointed by the lead regional agency of each district;~~  
3           (8) ~~One representative from each of the counties in the coastal area to be~~  
4           ~~designated by the respective boards of county commissioners;~~  
5           (9) ~~No more than eight additional members representative of cities in the coastal~~  
6           ~~area and to be designated by the Commission;~~  
7           (10) ~~Three members selected by the Commission who are marine scientists or~~  
8           ~~technologists;~~  
9           (11) ~~One member who is a local health director selected by the Commission upon~~  
10          ~~the recommendation of the Secretary.~~

11 by the Coastal Resources Commission. All members of the Council must be residents of North  
12 Carolina and reside or own real property in the coastal area. Counties and cities in the coastal  
13 area may nominate candidates for consideration by the Commission. The terms of all Council  
14 members serving on the Council on January 1, 2013, shall expire on June 30, 2013. A new  
15 Council shall be appointed in the manner provided by this subsection with terms beginning on  
16 July 1, 2013, and expiring on June 30, 2015. Members may be reappointed at the discretion of  
17 the Commission, provided that one-half of the membership at the beginning of any two-year  
18 term are residents of counties in the coastal area.

19       (c) **Functions and Duties.** – The Advisory Council shall assist the Secretary and the  
20 Secretary of Administration in an advisory capacity:

- 21           (1) On matters which may be submitted to it by either of them or by the  
22           Commission, including technical questions relating to the development of  
23           rules, and  
24           (2) On such other matters arising under this Article as the Council considers  
25           appropriate.

26       (d) **Multiple Offices.** – Membership on the Coastal Resources Advisory Council is  
27 hereby declared to be an office that may be held concurrently with other elective or appointive  
28 offices (except the office of Commission member) in addition to the maximum number of  
29 offices permitted to be held by one person under G.S. 128-1.1.

30       (e) **Chairman and Vice-Chairman.** – A chairman and vice-chairman shall be elected  
31 annually by the Council.

32       (f) **Compensation.** – The members of the Advisory Council who are not State  
33 employees shall receive per diem and necessary travel and subsistence expenses in accordance  
34 with the provisions of G.S. 138-5."  
35

## 36 ENVIRONMENTAL MANAGEMENT COMMISSION

37       **SECTION 2.3.(a)** G.S. 143B-283 reads as rewritten:

38 **"§ 143B-283. Environmental Management Commission – members; selection; removal;**  
39 **compensation; quorum; services.**

40       (a) ~~The Environmental Management Commission shall consist of 13 members~~  
41 ~~appointed by the Governor. The Governor shall select the members so that the membership of~~  
42 ~~the Commission shall consist of:~~

- 43           (1) ~~One who shall be a licensed physician with specialized training and~~  
44           ~~experience in the health effects of environmental pollution;~~  
45           (2) ~~One who shall, at the time of appointment, be actively connected with the~~  
46           ~~Commission for Public Health or local board of health or have experience in~~  
47           ~~health sciences;~~  
48           (3) ~~One who shall, at the time of appointment, be actively connected with or~~  
49           ~~have had experience in agriculture;~~



- 1           (4)    ~~One who shall, at the time of appointment, be a registered engineer with~~  
2           ~~specialized training and experience in water supply or water or air pollution~~  
3           ~~control;~~  
4           (5)    ~~One who shall, at the time of appointment, be actively connected with or~~  
5           ~~have had experience in the fish and wildlife conservation activities of the~~  
6           ~~State;~~  
7           (6)    ~~One who shall, at the time of appointment, have special training and~~  
8           ~~scientific expertise in hydrogeology or groundwater hydrology;~~  
9           (7)    ~~Three members interested in water and air pollution control, appointed from~~  
10          ~~the public at large;~~  
11          (8)    ~~One who shall, at the time of appointment, be actively employed by, or~~  
12          ~~recently retired from, an industrial manufacturing facility and~~  
13          ~~knowledgeable in the field of industrial air and water pollution control;~~  
14          (9)    ~~One who shall, at the time of appointment, be actively connected with or~~  
15          ~~have had experience in pollution control problems of municipal or county~~  
16          ~~government;~~  
17          (10)   ~~One who shall, at the time of appointment, have special training and~~  
18          ~~scientific expertise in air pollution control and the effects of air pollution;~~  
19          ~~and~~  
20          (11)   ~~One who shall, at the time of appointment, have special training and~~  
21          ~~scientific expertise in freshwater, estuarine, marine biological, or ecological~~  
22          ~~sciences.~~

23          (a1)   The Environmental Management Commission shall consist of 15 members as  
24          follows:

- 25           (1)    One appointed by the Governor who shall be a licensed physician.  
26           (2)    One appointed by the Governor who shall, at the time of appointment, have  
27           special training or scientific expertise in hydrology, water pollution control,  
28           or the effects of water pollution.  
29           (3)    One appointed by the Governor who shall, at the time of appointment, have  
30           special training or scientific expertise in hydrology, water pollution control,  
31           or the effects of water pollution.  
32           (4)    One appointed by the Governor who shall, at the time of appointment, have  
33           special training or scientific expertise in air pollution control or the effects of  
34           air pollution.  
35           (5)    One appointed by the Governor who shall, at the time of appointment, be  
36           actively connected with or have had experience in agriculture.  
37           (6)    One appointed by the Governor who shall, at the time of appointment, have  
38           special training and scientific expertise in freshwater, estuarine, marine  
39           biological, or ecological sciences or be actively connected with or have had  
40           experience in the fish and wildlife conservation activities of the State.  
41           (7)    One appointed by the Governor who shall, at the time of appointment, be  
42           actively employed by, or recently retired from, an industrial manufacturing  
43           facility and shall be knowledgeable in the field of industrial pollution  
44           control.  
45           (8)    One appointed by the Governor who shall, at the time of appointment, be a  
46           registered engineer with specialized training and experience in water supply  
47           or water or air pollution control.  
48           (9)    One appointed by the Governor who shall serve at large.  
49           (10)   One appointed by the General Assembly upon recommendation of the  
50           Speaker of the House of Representatives in accordance with G.S. 120-121  
51           who shall serve at large.

1           (11) One appointed by the General Assembly upon recommendation of the  
2           Speaker of the House of Representatives in accordance with G.S. 120-121  
3           who shall serve at large.

4           (12) One appointed by the General Assembly upon recommendation of the  
5           Speaker of the House of Representatives in accordance with G.S. 120-121  
6           who shall serve at large.

7           (13) One appointed by the General Assembly upon recommendation of the  
8           President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
9           shall serve at large.

10          (14) One appointed by the General Assembly upon recommendation of the  
11          President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
12          shall serve at large.

13          (15) One appointed by the General Assembly upon recommendation of the  
14          President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
15          shall serve at large.

16          (b) ~~Members appointed by the Governor shall serve terms of office of six years.~~ Any  
17          appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or  
18          disability of a member shall be for the balance of the unexpired term. The Governor may  
19          reappoint a member of the Commission to an additional term if, at the time of the  
20          reappointment, the member qualifies for membership on the Commission under subdivisions  
21          (1) through (9) of subsection (a)(a1) of this section. Appointments by the General Assembly  
22          shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be  
23          filled in accordance with G.S. 120-122.

24          (b1) The Governor shall have the power to remove any member of the Commission from  
25          office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of  
26          G.S. 143B-13 of the Executive Organization Act of 1973.

27          (b2) The members of the Commission shall receive per diem and necessary travel and  
28          subsistence expenses in accordance with the provisions of G.S. 138-5.

29          (b3) A majority of the Commission shall constitute a quorum for the transaction of  
30          business.

31          (b4) All clerical and other services required by the Commission shall be supplied by the  
32          Secretary of Environment and Natural Resources.

33          (c) ~~Nine of the~~ The members appointed by the Governor under this section shall be  
34          persons who do not derive any significant portion of their income from persons subject to  
35          permits or enforcement orders under this Chapter. The Governor shall require adequate  
36          disclosure of potential conflicts of interest by these members. The Governor, by executive  
37          order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for  
38          determining the eligibility of persons under this ~~section,~~ subsection, giving due regard to the  
39          requirements of federal legislation, and for this purpose may promulgate rules, regulations or  
40          guidelines in conformance with those established by any federal agency interpreting and  
41          applying provisions of federal law.

42          (c1) All members of the Commission are covered persons for the purposes of Chapter  
43          138A of the General Statutes, the State Government Ethics Act. As covered persons, members  
44          of the Commission shall comply with the applicable requirements of the State Government  
45          Ethics Act, including mandatory training, the public disclosure of economic interests, and  
46          ethical standards for covered persons. Members of the Commission shall comply with the  
47          provisions of the State Government Ethics Act to avoid conflicts of interest.

48          (d) ~~In addition to the members designated by subsection (a) of this section, the General~~  
49          ~~Assembly shall appoint six members, three upon the recommendation of the Speaker of the~~  
50          ~~House of Representatives, and three upon the recommendation of the President Pro Tempore of~~  
51          ~~the Senate. Appointments by the General Assembly shall be made in accordance with~~

1 G.S. 120-121, and vacancies in those appointments shall be filled in accordance with  
2 G.S. 120-122. Members appointed by the General Assembly shall serve terms of two years.

3 (e) Members of the Commission shall serve terms of four years."

4 **SECTION 2.3.(b)** Transition of Membership of the Environmental Management  
5 Commission. –

6 (a) Except as otherwise provided in this section, the terms of all members of the  
7 Environmental Management Commission serving on January 1, 2013, shall expire April 15,  
8 2013. A new Commission of 15 members shall be appointed in the manner provided by  
9 G.S. 143B-283(a1), as enacted by Section 2.3(a) of this act, and this section. Members  
10 appointed in the manner provided by G.S. 143B-283(a1), as enacted by Section 2.3(a) of this  
11 act, shall be appointed no later than July 1, 2013.

12 (1) The member serving pursuant to G.S. 143B-283(a)(3) on January 1, 2013,  
13 shall continue to serve pursuant to G.S. 143B-283(a1)(5), as enacted by  
14 Section 2.3(a) of this act, until June 30, 2015.

15 (2) The member serving pursuant to G.S. 143B-283(a)(4) on January 1, 2013,  
16 shall continue to serve pursuant to G.S. 143B-283(a1)(8), as enacted by  
17 Section 2.3(a) of this act, until June 30, 2015.

18 (3) The member serving pursuant to G.S. 143B-283(a)(7) on January 1, 2013,  
19 whose term would otherwise expire on June 30, 2015, shall continue to serve  
20 pursuant to G.S. 143B-283(a1)(9), as enacted by Section 2.3(a) of this act,  
21 until June 30, 2015.

22 (4) The member serving pursuant to G.S. 143B-283(a)(8) on January 1, 2013,  
23 shall continue to serve pursuant to G.S. 143B-283(a1)(7), as enacted by  
24 Section 2.3(a) of this act, until June 30, 2015.

25 (b) Members of the Commission whose qualifications are described by subdivisions (3),  
26 (5), (7), (8), (9), (11), (13), and (15) of G.S. 143B-283(a1), as enacted by Section 2.3(a) of this  
27 act, shall be appointed for an initial term of two years and subsequent appointments shall be for  
28 four-year terms thereafter. Members of the Commission whose qualifications are described by  
29 subdivisions (1), (2), (4), (6), (10), (12), and (14) of G.S. 143B-283(a1), as enacted by Section  
30 2.3(a) of this act, shall be appointed for an initial term of four years, and subsequent  
31 appointments shall be for four-year terms thereafter. Initial terms shall expire on June 30 of the  
32 year of expiration.

33 (c) Members of the Commission appointed to any other State board or commission as a  
34 representative of the Commission shall no longer serve as a member of those boards or  
35 commissions after this section becomes law, and a new Commission representative shall be  
36 appointed as provided by law.

## 37 38 **INDUSTRIAL COMMISSION**

39 **SECTION 2.4.(a)** Effective April 15, 2013, G.S. 97-77 reads as rewritten:

40 "**§ 97-77. North Carolina Industrial Commission created; members appointed by**  
41 **Governor; terms of office; ~~chairman~~chair.**

42 (a) There is hereby created a commission to be known as the North Carolina Industrial  
43 Commission, consisting of six commissioners who shall devote their entire time to the duties of  
44 the Commission. The Governor shall appoint the members of the Commission for terms of  
45 ~~six~~four years. The terms shall be staggered. Only persons licensed to practice law in North  
46 Carolina are eligible for membership on the Commission. At least two commissioners shall be  
47 Board Certified in workers' compensation law. Three commissioners shall be persons who, on  
48 account of their previous vocations, employment or affiliations, can be classed as  
49 representatives of employers. Three commissioners shall be persons who, on account of their  
50 previous vocations, employment or affiliations, can be classed as representatives of employees.  
51 No person may serve more than two terms on the Commission, including any term served prior

1 to the effective date of this section. In calculating the number of terms served, a partial term  
2 that is less than three years in length shall not be included.

3 (a1) Appointments of commissioners are subject to confirmation by the General  
4 Assembly by joint resolution. The names of commissioners to be appointed by the Governor  
5 shall be submitted by the Governor to the General Assembly for confirmation by the General  
6 Assembly on or before March 1 of the year of expiration of the term. If the Governor fails to  
7 timely submit nominations, the General Assembly shall appoint to fill the succeeding term  
8 upon the joint recommendation of the President Pro Tempore of the Senate and the Speaker of  
9 the House of Representatives in accordance with G.S. 120-121 not inconsistent with this  
10 section.

11 In case of death, incapacity, resignation, or any other vacancy in the office of any  
12 commissioner prior to the expiration of the term of office, a nomination to fill the vacancy for  
13 the remainder of the unexpired term shall be submitted by the Governor within four weeks after  
14 the vacancy arises to the General Assembly for confirmation by the General Assembly. If the  
15 Governor fails to timely nominate a person to fill the vacancy, the General Assembly shall  
16 appoint a person to fill the remainder of the unexpired term upon the joint recommendation of  
17 the President Pro Tempore of the Senate and the Speaker of the House of Representatives in  
18 accordance with G.S. 120-121 not inconsistent with this section. If a vacancy arises or exists  
19 pursuant to this subsection when the General Assembly is not in session, and the appointment is  
20 deemed urgent by the Governor, the commissioner may be appointed and serve on an interim  
21 basis pending confirmation by the General Assembly. For the purpose of this subsection, the  
22 General Assembly is not in session only (i) prior to convening of the Regular Session, (ii)  
23 during any adjournment of the Regular Session for more than 10 days, and (iii) after sine die  
24 adjournment of the Regular Session.

25 No person while in office as a commissioner may be nominated or appointed on an interim  
26 basis to fill the remainder of an unexpired term, or to a full term that commences prior to the  
27 expiration of the term that the commissioner is serving.

28 (b) One member, to be designated by the Governor, shall act as ~~chairman~~chair. The  
29 ~~chairman~~chair shall be the chief judicial officer and the chief executive officer of the Industrial  
30 Commission; such authority shall be exercised pursuant to the provisions of Chapter 126 of the  
31 General Statutes and the rules and policies of the State Personnel Commission.  
32 Notwithstanding the provisions of this Chapter, the ~~chairman~~chair shall have such authority as  
33 is necessary to direct and oversee the Commission. The ~~chairman~~chair may delegate any duties  
34 and responsibilities as may be necessary to ensure the proper management of the Industrial  
35 Commission. Notwithstanding the provisions of this Chapter, Chapter 143A, and Chapter 143B  
36 of the General Statutes, the ~~chairman~~chair may hire or fire personnel and transfer personnel  
37 within the Industrial Commission.

38 The Governor may designate one ~~vice-chairman~~vice-chair from the remaining  
39 commissioners. The ~~vice-chairman~~vice-chair shall assume the powers of the ~~chairman~~chair  
40 upon request of the ~~chairman~~chair or when the ~~chairman~~chair is absent for 24 hours or more.  
41 The authority delegated to the ~~vice-chairman~~vice-chair shall be relinquished immediately upon  
42 the return of the ~~chairman~~chair or at the request of the ~~chairman~~chair.

43 (c) The Commission shall adopt, by majority vote, bylaws to govern the conduct of its  
44 business. A quorum of the Commission consists of a simple majority of the membership."

45 **SECTION 2.4.(b)** The terms of members serving on the Industrial Commission on  
46 January 1, 2013, shall terminate as follows:

- 47 (1) The term of the member whose term is set to expire on April 30, 2013, will  
48 expire on April 30, 2013.
- 49 (2) The term of the member whose term is set to expire on June 30, 2014, will  
50 expire on June 30, 2014.

- 1 (3) The term of the member whose term is set to expire on April 30, 2015, will  
2 expire on April 30, 2013.
- 3 (4) The term of the member whose term is set to expire on June 30, 2016, will  
4 expire on June 30, 2014.
- 5 (5) The term of the member whose term is set to expire on April 30, 2017, will  
6 expire on April 30, 2015.
- 7 (6) The term of the member whose term is set to expire on June 30, 2018, will  
8 expire on June 30, 2016.";

9 **SECTION 2.4.(c)** Effective April 15, 2013, Section 22 of S.L. 2011-287 is  
10 repealed.

## 11 UTILITIES COMMISSION

12 **SECTION 2.5.(a)** G.S. 62-10 reads as rewritten:

13 "**§ 62-10. Number; appointment; terms; qualifications; ~~chairman;~~ chair; vacancies;**  
14 **compensation; other employment prohibited.**

15 (a) The North Carolina Utilities Commission shall consist of seven commissioners who  
16 shall be appointed by the Governor subject to confirmation by the General Assembly by joint  
17 resolution. The names of commissioners to be appointed by the Governor shall be submitted by  
18 the Governor to the General Assembly for confirmation by the General Assembly on or before  
19 May 1, of the year in which the terms for which the appointments are to be made are to expire.  
20 Upon failure of the Governor to submit names as herein provided, the Lieutenant Governor and  
21 Speaker of the House jointly shall submit the names of a like number of commissioners to the  
22 General Assembly on or before May 15 of the same year for confirmation by the General  
23 Assembly. Regardless of the way in which names of commissioners are submitted,  
24 confirmation of commissioners must be accomplished prior to adjournment of the then current  
25 session of the General Assembly. This subsection shall be subject to the provisions of  
26 subsection (c) of this section. In appointing members to the Commission, the Governor shall  
27 appoint persons with at least five years of progressively responsible experience and a  
28 demonstrated competency in any one or more of the following areas:

- 29 (1) Utility law and regulation.  
30 (2) Economics.  
31 (3) Finance.  
32 (4) Accounting.  
33 (5) Business administration.  
34 (6) Engineering.  
35 (7) Renewable energy.

36 (a1) Members of the Commission are covered persons for the purposes of Chapter 138A  
37 of the General Statutes, the State Government Ethics Act. As covered persons, members of the  
38 Commission shall comply with the applicable requirements of the State Government Ethics  
39 Act, including mandatory training, the public disclosure of economic interests, and ethical  
40 standards for covered persons. Members of the Commission shall comply with the provisions  
41 of the State Government Ethics Act to avoid conflicts of interest.

42 Members of the Commission shall not be an office holder of any political party and shall  
43 not serve as a delegate to a political convention of any political party.

44 (b) ~~The terms of the commissioners now serving shall expire at the conclusion of the~~  
45 ~~term for which they were appointed which shall remain as before with two regular eight year~~  
46 ~~terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on~~  
47 ~~July 1 of each eighth year after July 1, 1963. The terms of office of utilities commissioners~~  
48 ~~thereafter shall be six years commencing on July 1 of the year in which the predecessor terms~~  
49 ~~expired, and ending on July 1 June 30 of the sixth year thereafter.~~  
50

1       ~~(e) In order to increase the number of commissioners to seven, the names of two~~  
2 ~~additional commissioners shall be submitted to the General Assembly on or before May 27,~~  
3 ~~1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The~~  
4 ~~commissioners so appointed and confirmed shall serve new terms commencing on July 1, 1975,~~  
5 ~~one of which shall be for a period of two years (with the immediate successor serving for a~~  
6 ~~period of six years), and one of which shall be for a period of two years.~~

7       ~~Thereafter, the terms of office of the additional commissioners shall be for six years as~~  
8 ~~provided in G.S. 62-10(b).~~

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

12       ~~(e) On July 1, 1965, and every~~Every four years thereafter, one of the commissioners  
13 shall be designated by the Governor to serve as chairman of the Commission for the succeeding  
14 four years and until his successor is ~~duly confirmed and qualifies~~designated. Upon ~~death~~death,  
15 end of term, or resignation of the commissioner ~~appointed~~designated as chairman, the  
16 Governor shall designate the chairman from the remaining ~~commissioners and appoint~~  
17 ~~a successor as hereinafter provided to fill the vacancy on the Commission.~~commissioners.

18       (f) In case of death, incapacity, resignation or vacancy for any other reason in the office  
19 of any commissioner prior to the expiration of his term of office, the name of his successor  
20 shall be submitted by the Governor within four weeks after the vacancy arises to the General  
21 Assembly for confirmation by the General Assembly. Upon failure of the Governor to submit  
22 the name of the successor, the Lieutenant Governor and Speaker of the House jointly shall  
23 submit the name of a successor to the General Assembly within six weeks after the vacancy  
24 arises. Regardless of the way in which names of commissioners are submitted, confirmation of  
25 commissioners must be accomplished prior to the adjournment of the then current session of  
26 the General Assembly.

27       (g) If a vacancy in the office of any commissioner arises or exists pursuant to either  
28 subsection (a) or ~~(e)~~(f) of this section when the General Assembly is not in session, and the  
29 appointment is deemed urgent by the Governor, the commissioner may be appointed and serve  
30 on an interim basis pending confirmation by the General Assembly.

31       ...."

32       **SECTION 2.5.(b)** G.S. 62-10(a), as amended by subsection (a) of this section,  
33 reads as rewritten:

34       "(a) The North Carolina Utilities Commission shall consist of ~~seven~~five commissioners  
35 who shall be appointed by the Governor subject to confirmation by the General Assembly by  
36 joint resolution. The names of commissioners to be appointed by the Governor shall be  
37 submitted by the Governor to the General Assembly for confirmation by the General Assembly  
38 on or before May 1, of the year in which the terms for which the appointments are to be made  
39 are to expire. Upon failure of the Governor to submit names as herein provided, the Lieutenant  
40 Governor and Speaker of the House jointly shall submit the names of a like number of  
41 commissioners to the General Assembly on or before May 15 of the same year for confirmation  
42 by the General Assembly. Regardless of the way in which names of commissioners are  
43 submitted, confirmation of commissioners must be accomplished prior to adjournment of the  
44 then current session of the General Assembly. In appointing members to the Commission, the  
45 Governor shall appoint persons with at least five years of progressively responsible experience  
46 and a demonstrated competency in any one or more of the following areas:

- 47           (1) Utility law and regulation.
- 48           (2) Economics.
- 49           (3) Finance.
- 50           (4) Accounting.
- 51           (5) Business administration.

1 (6) Engineering.

2 (7) Renewable energy."

3 **SECTION 2.5.(c)** Reduce Terms and Number of Commissioners. – The terms held  
4 by commissioners serving on the Commission as of January 1, 2013, for terms of office that  
5 expire on June 30, 2017, shall instead expire June 30, 2015. The term of any appointee  
6 confirmed by the General Assembly to fill the unexpired term of the position on the  
7 Commission vacant as of January 1, 2013, shall expire on June 30, 2015, instead of June 30,  
8 2017. To reduce the number of Commissioners as provided in subsection (b) of this section,  
9 two of the positions that are vacant as of July 1, 2015, are eliminated as of July 1, 2015.

10 **SECTION 2.5.(d)** Appointments by the Governor. – By May 1, 2013, the  
11 Governor shall submit two names of appointees subject to confirmation by the General  
12 Assembly for positions on the Commission for terms that shall begin on July 1, 2013, and  
13 expire on June 30, 2017. Appointees submitted by the Governor for these positions shall  
14 conform to all of the requirements of G.S. 62-10, including the requirements enacted by section  
15 2.5(a) of this Act.

16 **SECTION 2.5.(e)** Subsection (a) of this section becomes effective July 1, 2013.  
17 Subsection (b) of this section becomes effective July 1, 2015. The remainder of this section is  
18 effective when it becomes law.

## 19 **WILDLIFE RESOURCES COMMISSION**

20 **SECTION 2.6.(a)** Effective July 1, 2013, G.S. 143-241 reads as rewritten:

21 **"§ 143-241. Appointment and terms of office of Commission members; filling of**  
22 **vacancies.**

23  
24 The members of the North Carolina Wildlife Resources Commission shall be appointed as  
25 follows:

26 The Governor shall appoint one member each from the first, fourth, and seventh wildlife  
27 districts to serve ~~six-year terms;~~four-year terms.

28 The Governor shall appoint one member each from the second, fifth, and eighth wildlife  
29 districts to serve ~~two-year terms;~~four-year terms.

30 The Governor shall appoint one member each from the third, sixth, and ninth wildlife  
31 districts to serve ~~four-year terms;~~terms.

32 The Governor shall also appoint two at-large members to serve four-year terms.

33 The General Assembly shall appoint eight members of the Commission to serve two-year  
34 terms, four upon the recommendation of the Speaker of the House, four upon the  
35 recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.  
36 ~~Of the members appointed upon the recommendation of the Speaker of the House and upon the~~  
37 ~~recommendation of the President Pro Tempore of the Senate, at least one of each shall be a~~  
38 ~~member of the political party to which the largest minority of the members of the General~~  
39 ~~Assembly belongs.~~

40 The terms of all appointed members serving on the Commission as of January 1, 2013, shall  
41 terminate on June 30, 2013. The members initially appointed by the Governor from  
42 even-numbered districts shall be appointed for two-year terms, and those from odd-numbered  
43 districts shall be initially appointed to four-year terms. Thereafter as the terms of the office of  
44 the members of the Commission appointed by the Governor from the several wildlife districts  
45 expire, their successors shall be appointed for terms of ~~six-~~four years each. As the terms of  
46 office of the members of the Commission appointed by the General Assembly expire, their  
47 successors shall be appointed for terms of two years each. All members appointed by the  
48 Governor serve at the pleasure of the Governor that appointed them and they may be removed  
49 by that Governor at any time. A successor to the appointing Governor may remove a  
50 Commission member only for cause as provided in G.S. 143B-13. Members appointed by the  
51 General Assembly serve at the pleasure of that body and may be removed by law at any time.

1 In the event that a Commission member is removed, the member appointed to replace the  
2 removed member shall serve only for the unexpired term of the removed member."

3 **SECTION 2.6.(b)** G.S. 143-243 reads as rewritten:

4 "**§ 143-243. Organization of the Commission; election of officers; Robert's Rules of**  
5 **Order.**

6 The Commission shall hold at least two meetings annually, one in January and one in July,  
7 and ~~seven~~ a majority of the members of the Commission shall constitute a quorum for the  
8 transaction of business. Additional meetings may be held at such other times within the State as  
9 may be deemed necessary for the efficient transaction of the business of the Commission. The  
10 Commission may hold additional or special meetings at any time at the call of the chairman or  
11 on call of any five members of the Commission. The Commission shall determine its own  
12 organization and methods of procedure in accordance with the provisions of this Article, and  
13 shall have an official seal, which shall be judicially noticed.

14 At the first scheduled meeting of the Commission after July 1, 1977, and on July 1 of each  
15 odd-numbered year thereafter, the Commission shall select from among its membership a  
16 chairman and a vice-chairman who shall serve for terms of two years or until their successors  
17 are elected and qualified. The Secretary of Environment and Natural Resources or his designee  
18 shall serve as secretary of the Commission.

19 The chairman shall guide and coordinate the official actions and official activities of the  
20 Commission in fulfilling its program responsibility for (i) the appointment and separation of the  
21 executive director of the Commission, (ii) organizing the personnel of the Commission, (iii)  
22 setting the statewide policy of the Commission, (iv) budgeting and planning the use of the  
23 Wildlife and Motorboat Funds, subject to the approval of the General Assembly, (v) holding  
24 public hearings, and (vi) adopting rules as authorized by law. The chairman shall report to and  
25 advise the Governor on the official actions and work of the Commission and on all wildlife  
26 conservation and boating safety matters that affect the interest of the people of the State.

27 Meetings of the Commission shall be conducted pursuant to Robert's Rules of Order."

## 29 NORTH CAROLINA TURNPIKE AUTHORITY

30 **SECTION 2.7.** G.S. 136-89.182 reads as rewritten:

31 "**§ 136-89.182. North Carolina Turnpike Authority.**

32 (a) Creation. – There is created a body politic and corporate to be known as the "North  
33 Carolina Turnpike Authority". The Authority is constituted as a public agency, and the exercise  
34 by the Authority of the powers conferred by this Article in the construction, operation, and  
35 maintenance of toll roads and bridges shall be deemed and held to be the performance of an  
36 essential governmental function.

37 (b) Administrative Placement. – The Authority shall be located within the Department  
38 of Transportation and shall be subject to and under the direct supervision of the Secretary of  
39 Transportation.

40 (c) Authority Board. – The Board of Transportation is ex officio the Authority Board of  
41 the North Carolina Turnpike Authority.~~The North Carolina Turnpike Authority shall be~~  
42 ~~governed by a nine member Authority Board consisting of two members appointed by the~~  
43 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate in~~  
44 ~~accordance with G.S. 120-121, two members appointed by the General Assembly upon the~~  
45 ~~recommendation of the Speaker of the House of Representatives in accordance with~~  
46 ~~G.S. 120-121, four members appointed by the Governor, and the Secretary of Transportation.~~  
47 ~~Each appointing authority shall appoint members who reside in diverse regions of the State.~~  
48 ~~The Chair of the Authority shall be selected by the Authority Board.~~

49 (d) Board of Transportation Members. – Members of the North Carolina Board of  
50 Transportation may serve as members of the Authority Board.



1 (e) ~~Staggered Terms.— One of the initial appointments to the Authority Board by the~~  
2 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate, one~~  
3 ~~of the initial appointments to the Authority Board by the General Assembly upon the~~  
4 ~~recommendation of the Speaker of the House of Representatives, and three of the initial~~  
5 ~~appointments of the Governor shall be appointed to terms ending January 14, 2007. One of the~~  
6 ~~initial appointments to the Authority Board by the General Assembly upon the recommendation~~  
7 ~~of the President Pro Tempore of the Senate, one of the initial appointments to the Authority~~  
8 ~~Board by the General Assembly upon the recommendation of the Speaker of the House of~~  
9 ~~Representatives, and one of the initial appointments of the Governor shall be appointed to~~  
10 ~~terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex officio~~  
11 ~~voting member of the Board. Thereafter, at the expiration of each stipulated term of office, all~~  
12 ~~appointments shall be to a term of four years from the date of the expiration of the term.~~

13 (f) ~~Vacancies.— All members of the Authority Board shall remain in office until their~~  
14 ~~successors are appointed and qualified. The original appointing authority may appoint a~~  
15 ~~member to serve out the unexpired term of any member.~~

16 (g) ~~Removal of Board Members.— Each member of the Authority Board,~~  
17 ~~notwithstanding subsection (e) of this section, shall serve at the pleasure of the appointing~~  
18 ~~authority. The Chair of the Authority serves at the pleasure of the Authority Board.~~

19 (h) ~~Conflicts of Interest, Ethics.— Members of the Authority Board shall be subject to~~  
20 ~~the provisions of G.S. 136-13, 136-13.1, and 136-14.~~

21 (i) ~~Compensation. – The appointed members of the Authority Board shall receive no~~  
22 ~~salary for their services but shall be entitled to receive per diem and travel allowances in~~  
23 ~~accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.~~

24 (j) ~~Bylaws. – The Authority Board shall adopt, change, or amend bylaws with respect~~  
25 ~~to the calling of meetings, quorums, voting procedures, the keeping of records, and other~~  
26 ~~organizational, staffing, and administrative matters as the Authority Board may determine. Any~~  
27 ~~bylaws, or subsequent changes or amendments to the bylaws, shall be included in the Annual~~  
28 ~~Report as required by G.S. 136-89.193.~~

29 (k) ~~Executive Director and Administrative Employees. – The Authority Board shall~~  
30 ~~appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its~~  
31 ~~pleasure. The Secretary of Transportation, or the Secretary's designee, The Executive Director~~  
32 ~~shall be the Authority's chief administrative officer and shall be responsible for the daily~~  
33 ~~administration of the toll roads and bridges constructed, maintained, or operated pursuant to~~  
34 ~~this Article. The Secretary or the Secretary's designee The Executive Director or his designee~~  
35 ~~shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the~~  
36 ~~compensation of administrative employees as the Executive Director deems necessary to carry~~  
37 ~~out this Article.~~

38 (l) ~~Office. – The offices of the Authority may be housed in one or more facilities of the~~  
39 ~~Department of Transportation."~~

## 40 STATE BOARD OF ELECTIONS

41 SECTION 2.9.(a) G.S. 163-19 reads as rewritten:

42 "§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.

43 All of the terms of office of the present members of the State Board of Elections shall  
44 expire on May 1, 1969, or when their successors in office are appointed and qualified.

45 (a) The State Board of Elections shall consist of five registered voters whose terms of  
46 office shall begin on May 1, 1969, and shall continue for four years, and until their successors  
47 are appointed and qualified. The Governor shall appoint the members of this Board and  
48 likewise shall appoint their successors every four years at the expiration of each four-year term.  
49 No person may serve more than three four-year terms, and the term of any person currently  
50

1 serving on this Board who has served more than three four-year terms shall terminate on the  
2 effective date of this sentence.

3 (b) Not more than three members of the Board shall be members of the same political  
4 party. The Governor shall appoint the members from a list of nominees submitted to him by the  
5 State party chairman of each of the two political parties having the highest number of registered  
6 affiliates as reflected by the latest registration statistics published by the State Board of  
7 Elections. Each party chairman shall submit a list of five nominees who are affiliated with that  
8 political party.

9 (c) Any vacancy occurring in the Board shall be filled by the Governor, and the person  
10 so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of  
11 three nominees submitted to him by the State party chairman of the political party that  
12 nominated the vacating member as provided by the preceding paragraph. The three nominees  
13 must be affiliated with that political party.

14 (c1) Notwithstanding subsection (c) of this section, if (i) a vacancy occurs in the State  
15 Board of Elections during the period beginning when a Governor takes office after election and  
16 ending April 30 of that year, (ii) the Governor is a member of a different political party than the  
17 preceding Governor, and (iii) the vacating member is not a member of the same political party  
18 as the new Governor, then the first such vacancy occurring in the Board shall be filled by the  
19 Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the  
20 vacancy from among lists of three nominees submitted by the State party chair of each of the  
21 political parties with registered voters, as reflected by the latest registration statistics published  
22 by the State Board of Elections. Nominees of a party chair must be affiliated with that party.  
23 Failure by a party chair to submit such a list within five days of request by the Governor  
24 constitutes a waiver of the requirement that the party submit a list.

25 (d) At the first meeting held after new appointments are made, the members of the State  
26 Board of Elections shall take the following oath:

27 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the  
28 Constitution of the United States; that I will be faithful and bear true  
29 allegiance to the State of North Carolina, and to the constitutional powers  
30 and authorities which are or may be established for the government thereof;  
31 that I will endeavor to support, maintain and defend the Constitution of said  
32 State, and that I will well and truly execute the duties of the office of  
33 member of the State Board of Elections according to the best of my  
34 knowledge and ability, according to law, so help me, God."

35 After taking the prescribed oath, the Board shall organize by electing one of its members  
36 chairman and another secretary.

37 (e) No person shall be eligible to serve as a member of the State Board of Elections  
38 who holds any elective or appointive office under the government of the United States, or of  
39 the State of North Carolina or any political subdivision thereof. No person who holds any office  
40 in a political party, or organization, or who is a candidate for nomination or election to any  
41 office, or who is a campaign manager or treasurer of any candidate in a primary or election  
42 shall be eligible to serve as a member of the State Board of Elections."

43 **SECTION 2.9.(b)** This section is effective when this act becomes law.  
44

## 45 STATE BOARD OF EDUCATION

46 **SECTION 2.11.** G.S. 115C-11(a) and (h) read as rewritten:

### 47 "§ 115C-11. Organization and internal procedures of Board.

48 (a) Presiding Officer. – The Governor shall appoint a chairman from among the  
49 membership of the State Board of Education. The chairman shall serve in that role at the  
50 pleasure of the Governor. The State Board of Education shall elect from its membership a  
51 ~~chairman and~~ vice-chairman. A majority of the Board shall constitute a quorum for the

1 transaction of business. Per diem and expenses of the appointive members of the Board shall be  
2 provided by the General Assembly. The chairman of the Board shall preside at all meetings of  
3 the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of  
4 both the chairman and the vice-chairman, the Board shall name one of its own members as  
5 chairman pro tempore.

6 ...

7 (h) Rules and Regulations. – The Board shall adopt reasonable rules and regulations not  
8 inconsistent herewith, to govern its proceedings which the Board may amend from time to time,  
9 which rules and regulations shall become effective when filed as provided by law: Provided,  
10 however, a motion to suspend the rules so adopted shall require a consent of two-thirds of the  
11 members. The rules and regulations shall include, but not be limited to, clearly defined  
12 procedures for electing the ~~officers~~ vice-chairman and chairman pro tempore of the State Board  
13 referred to in G.S. 115C-11(a), fixing the term of ~~said officers, the vice-chairman,~~ specifying  
14 how the voting shall be carried out, and establishing a date when the first election shall be  
15 held."

## 16 17 NORTH CAROLINA STATE LOTTERY COMMISSION

18 SECTION 2.12.(a) G.S. 18C-111 reads as rewritten:

19 "§ 18C-111. Commission membership; appointment; selection of chair; vacancies;  
20 removal; meetings; compensation.

21 (a) The Commission shall consist of nine members, five of whom shall be appointed by  
22 the Governor, two of whom shall be appointed by the General Assembly upon the  
23 recommendation of the President Pro Tempore of the Senate, and two of whom shall be  
24 appointed by the General Assembly upon the recommendation of the Speaker of the House of  
25 Representatives. Commissioners may be removed by the appointing authority for cause. The  
26 Governor shall select the chair of the Commission from among its membership, who shall serve  
27 at the pleasure of the Governor.

28 (b) The terms of all members serving on the Commission as of January 1, 2013, shall  
29 terminate on the effective date of this section. No later than July 1, 2013, Of the initial  
30 appointees of the Governor, the Governor shall appoint five members to serve terms of two  
31 years, three members shall serve a term of one year, one member shall serve a term of two  
32 years, and one member shall serve a term of three years. Of the initial appointees of the  
33 than July 1, 2013, the General Assembly  
34 Pro Tempore of the Senate, one member shall serve a term of two years, and one member shall  
35 serve a term of three years. shall appoint two members to serve terms of two years. Of the  
36 initial appointees of No later than July 1, 2013, the General Assembly upon the  
37 recommendation of the Speaker of the House of Representatives, one member shall serve a  
38 term of two years, and one member serve a term of three years. shall appoint two members to  
39 serve terms of two years. Initial terms shall expire on June 30 of the year of expiration. All  
40 succeeding appointments shall be for terms of five two years. Members shall not serve for more  
41 than two successive terms.

42 (c) Vacancies shall be filled by the appointing authority for the unexpired portion of the  
43 term in which they occur.

44 (d) The Commission shall meet at least quarterly upon the call of the chair. A majority  
45 of the total membership of the Commission shall constitute a quorum.

46 (e) Members of the Commission shall receive per diem, subsistence, and travel as  
47 provided in G.S. 138-5 and G.S. 138-6."

48 SECTION 2.12.(b) This section is effective when this act becomes law.

## 49 50 CHARTER SCHOOL ADVISORY COMMITTEE

51 SECTION 2.13.(a) G.S. 115C-238.29I(d) is repealed.

1           **SECTION 2.13.(b)** The North Carolina Charter School Advisory Council, as  
2 established by the State Board of Education on August 4, 2011, by Policy TCS-B-006, is  
3 abolished.

4           **SECTION 2.13.(c)** This section is effective when this act becomes law.  
5

## 6 **BOARD OF TRANSPORTATION**

7           **SECTION 2.14.(a)** G.S. 143B-350(b)(1) reads as rewritten:

8           "(1) Number, appointment. – The Board of Transportation shall have ~~14~~<sup>19</sup>21 voting  
9 members. Fourteen of the members shall be division members appointed by  
10 the Governor. Five shall be at-large members appointed by the Governor.  
11 One shall be an at-large member appointed by the General Assembly upon  
12 recommendation of the President Pro Tempore of the Senate, and one shall  
13 be an at-large member appointed by the General Assembly upon  
14 recommendation of the Speaker of the House of Representatives. At least  
15 three members of the Board appointed by the Governor shall be registered  
16 voters of a political party other than the political party of the Governor. The  
17 Secretary of Transportation shall serve as an ex officio nonvoting member of  
18 the Board. No more than two members of the Board may reside in the same  
19 highway division."

20           **SECTION 2.14.(b)** G.S. 143B-350(c) reads as rewritten:

21           "~~(c) Staggered Terms. – The terms of all Board members serving on the Board prior to~~  
22 ~~January 15, 2001, shall expire on January 14, 2001. A new board of 19 members shall be~~  
23 ~~appointed with terms beginning on January 15, 2001. The Board shall serve the following~~  
24 ~~terms: division members representing divisions 1, 3, 5, 7, 9, 11, and 13 and the three at-large~~  
25 ~~members filling the positions designated in sub-subdivisions (b)(3)a., b., and e. of this section~~  
26 ~~shall serve four year terms beginning on January 15, 2001, and four year terms thereafter; and~~  
27 ~~division members representing divisions 2, 4, 6, 8, 10, 12, and 14 and the two at-large members~~  
28 ~~filling the positions designated in sub-subdivisions (b)(3)c. and d. of this section shall serve~~  
29 ~~two year terms beginning January 15, 2001, and four year terms thereafter. The terms of~~  
30 members shall be for four years beginning January 15, 2013, and quadrennially thereafter,  
31 except that the terms of at-large members appointed by the General Assembly shall be for two  
32 years beginning on January 15, 2013, and biennially thereafter."

33           **SECTION 2.14.(c)** The terms of the nine members of the Board of Transportation  
34 previously appointed for terms expiring January 14, 2015, expire upon appointment of their  
35 replacements as provided in this section. The Governor shall designate for each of the nine new  
36 appointments which member is being replaced.  
37

## 38 **DIETETICS/NUTRITION BOARD**

39           **SECTION 2.15.(a)** G.S. 90-353 reads as rewritten:

40           "**§ 90-353. Creation of Board.**

41           (a) The North Carolina Board of Dietetics/Nutrition is created. The Board shall consist  
42 of ~~seven~~<sup>five</sup> members as follows:

- 43           (1) One member shall be a professional whose primary practice is clinical  
44 dietetics/nutrition;
- 45           (2) One member shall be a professional whose primary practice is community or  
46 public health ~~dietetics/nutrition;~~dietetics/nutrition, or an educator on the  
47 faculty of a college or university specializing in the field of  
48 dietetics/nutrition;
- 49           (3) ~~One member shall be a professional whose primary practice is consulting in~~  
50 ~~dietetics/nutrition;~~

- 1           ~~(4)~~(3) One member shall be a professional whose primary practice is in  
 2           management of nutritional services;  
 3           ~~(5) One member shall be an educator on the faculty of a college or university~~  
 4           ~~specializing in the field of dietetics/nutrition;~~  
 5           ~~(6)~~(4) Two members shall represent the public at large.  
 6       (b) Professional members of the Board shall:  
 7           (1) Be citizens of the United States and residents of this State;  
 8           (2) Have practiced in the field of dietetics/nutrition for at least five years; and  
 9           (3) Be licensed under this Article, ~~except that initial appointees shall be licensed~~  
 10           ~~under this Article no later than March 31, 1992.~~ Article.  
 11       (c) The members of the Board appointed from the public at large shall be citizens of the  
 12       United States and residents of this State and shall not be any of the following:  
 13           (1) A dietician/nutritionist.  
 14           (2) An agent or employee of a person engaged in the profession of  
 15           dietetics/nutrition.  
 16           (3) A licensed health care professional or enrolled in a program to become  
 17           prepared to be a licensed health care professional.  
 18           (4) An agent or employee of a health care institution, a health care insurer, or a  
 19           health care professional school.  
 20           (5) A member of any allied health profession or enrolled in a program to  
 21           become prepared to be a member of an allied health profession.  
 22           (6) The spouse of an individual who may not serve as a public member of the  
 23           Board."

24       **SECTION 2.15.(b)** G.S. 90-354(a) reads as rewritten:

25       "(a) The members of the Board shall be appointed as follows:

- 26           (1) The Governor shall appoint the three professional member—members  
 27           described in G.S. 90-353(a)(5) and the two public members described in  
 28           G.S. 90-353(a)(6);G.S. 90-353(a);  
 29           (2) The General Assembly upon the recommendation of the Speaker of the  
 30           House of Representatives shall appoint the professional members—one  
 31           member representing the public described in G.S. 90-353(a)(1) and  
 32           G.S. 90-353(a)(2)in accordance with G.S. 120-121, one of whom shall be a  
 33           nutritionist with a masters or higher degree in a nutrition-related discipline;  
 34           G.S. 120-121; and  
 35           (3) The General Assembly upon the recommendation of the President Pro  
 36           Tempore of the Senate shall appoint one member representing the public the  
 37           professional members described in G.S. 90-353(a)(3) and G.S. 90-353(a)(4)  
 38           in accordance with G.S. 120-121, one of whom shall be a nutritionist with a  
 39           masters or higher degree in a nutrition-related discipline.G.S. 120-121.

40       (b) The terms of all members of the Board serving on January 1, 2013, shall expire  
 41       March 31, 2013. Members of the Board shall take office on the first day of July immediately  
 42       following the expired term of that office and shall serve for a term of three years and until their  
 43       successors are appointed and qualified."  
 44

45       **POST-RELEASE SUPERVISION AND PAROLE COMMISSION**

46       **SECTION 2.16.(a)** G.S. 143B-721 reads as rewritten:

47       "**§ 143B-721. Post-Release Supervision and Parole Commission – members; selection;**  
 48       **removal; chairman; compensation; quorum; services.**

49       (a) Effective ~~August 1, 2005,~~February 1, 2013, the Post-Release Supervision and Parole  
 50       Commission shall consist of ~~one full-time member and two half-time~~ four full-time members.  
 51       The ~~three~~ four members shall be appointed by the Governor from persons whose recognized

1 ability, training, experience, and character qualify them for service on the Commission. ~~The~~  
2 ~~terms of office of any members serving on the Commission on June 30, 2005, shall expire on~~  
3 ~~that date.~~ The terms of office of persons appointed by the Governor as members of the  
4 Commission shall be for four years or until their successors are appointed and qualify. Any  
5 appointment to fill a vacancy on the Commission created by the resignation, removal, death or  
6 disability of a member shall be for the balance of the unexpired term only.

7 ~~(a1) Effective August 1, 2012, both half-time commissioners shall begin serving as~~  
8 ~~full-time members of the Commission, and the Post-Release Supervision and Parole~~  
9 ~~Commission shall consist of three full-time members.~~

10 ~~(a2) Effective February 1, 2013, an additional member shall be appointed by the~~ consist  
11 ~~of four full-time members.~~

12 (b) All members of the Post-Release Supervision and Parole Commission appointed by  
13 the Governor shall possess the recognized ability, training, experience, and character to qualify  
14 each person to serve ably on the Commission.

15 (c) The Governor shall have the authority to remove any member of the Commission  
16 from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of  
17 G.S. 143B-13. The Governor shall designate a member of the Commission to serve as chair of  
18 the Commission at the pleasure of the Governor.

19 (d) The granting, denying, revoking, or rescinding of parole, the authorization of  
20 work-release privileges to a prisoner, or any other matters of business coming before the  
21 Commission for consideration and action shall be decided by majority vote of the full  
22 Commission.

23 (e) The members of the Commission shall receive the salary fixed by the General  
24 Assembly in the Current Operations Appropriations Act and shall receive necessary travel and  
25 subsistence expenses in accordance with the provisions of G.S. 138-6. Notwithstanding any  
26 other provision of law, the half-time members of the Commission shall not be subject to the  
27 provisions of G.S. 135-3(8)(c).

28 (f) All clerical and other services required by the Commission shall be supplied by the  
29 Secretary of the Department of Public Safety."

30 **SECTION 2.16.(b)** The term of office of any member serving on the Post-Release  
31 Supervision and Parole Commission on January 1, 2013, shall expire on the effective date of  
32 this section. The Governor shall appoint new members in accordance with G.S. 143B-721(a) as  
33 amended by this act and shall designate for each of the three new appointments which member  
34 is being replaced. The initial term of the members appointed under this section shall expire on  
35 June 30, 2017.

36 **SECTION 2.16.(c)** This section becomes effective when it becomes law.  
37

## 38 MINING AND ENERGY COMMISSION

39 **SECTION 2.17.** G.S. 143B-293.2 is amended by adding a new subsection to read:

40 "(a1) Office May Be Held Concurrently With Others. – Membership on the Mining and  
41 Energy Commission is hereby declared to be an office that may be held concurrently with other  
42 elective or appointive offices in addition to the maximum number of offices permitted to be  
43 held by one person under G.S. 128-1.1."  
44

## 45 OFFICE OF ADMINISTRATIVE HEARINGS

46 **SECTION 2.18.(a)** G.S. 7A-753 reads as rewritten:

47 **"§ 7A-753. Additional administrative law judges; appointment; specialization.**

48 The Chief Administrative Law Judge shall appoint additional administrative law judges to  
49 serve in the Office of Administrative Hearings in such numbers as the General Assembly  
50 provides. Each administrative law judge appointed under this section shall serve a term of four

1 years. No person shall be appointed or designated an administrative law judge except as  
2 provided in this Article.

3 The Chief Administrative Law Judge may designate certain administrative law judges as  
4 having the experience and expertise to preside at specific types of contested cases and assign  
5 only these designated administrative law judges to preside at those cases."

6 **SECTION 2.18.(b)** G.S. 7A-760(a) reads as rewritten:

7 "(a) The number of administrative law judges and employees of the Office of  
8 Administrative Hearings shall be established by the General Assembly. The Chief  
9 Administrative Law Judge is exempt from provisions of the State Personnel Act as provided by  
10 G.S. 126-5(c1)(26). Administrative law judges appointed in accordance with G.S. 7A-753 are  
11 exempt from the provisions of the State Personnel Act. All other employees of the Office of  
12 Administrative Hearings are subject to the State Personnel Act."

13 **SECTION 2.18.(c)** This section is effective when it becomes law and applies to  
14 any administrative law judge serving on or after the effective date of this act.

## 16 STATE PERSONNEL COMMISSION

17 **SECTION 2.19.(a)** G.S. 126-2(b) reads as rewritten:

### 18 "§ 126-2. State Personnel Commission.

19 (a) There is hereby established the State Personnel Commission (hereinafter referred to  
20 as "the Commission").

21 (b) ~~The Commission shall consist of nine members, appointed as follows:~~

22 (1) ~~Two members shall be attorneys licensed to practice law in North Carolina~~  
23 ~~appointed by the General Assembly, one of whom shall be appointed upon~~  
24 ~~the recommendation of the Speaker of the House of Representatives, and one~~  
25 ~~of whom shall be appointed upon the recommendation of the President Pro~~  
26 ~~Tempore of the Senate.~~

27 ~~The initial two attorney members appointed under this subdivision shall~~  
28 ~~serve terms expiring June 30, 2004; the terms of subsequent appointees shall~~  
29 ~~be six years.~~

30 (2) ~~Two persons from private business or industry appointed by the Governor,~~  
31 ~~both of whom shall have a working knowledge of, or practical experience in,~~  
32 ~~human resources management. The initial members appointed under this~~  
33 ~~subdivision shall serve terms expiring June 30, 2003; the terms of~~  
34 ~~subsequent appointees shall be six years.~~

35 (3) ~~Two State employees subject to the State Personnel Act serving in~~  
36 ~~nonexempt positions, appointed by the Governor, including one of whom is~~  
37 ~~a veteran of the Armed Forces of the United States appointed upon the~~  
38 ~~nomination of the Veterans' Affairs Commission. One employee shall serve~~  
39 ~~in a State government position having supervisory duties, and one employee~~  
40 ~~shall serve in a nonsupervisory position. Neither employee may be a human~~  
41 ~~resources professional. The Governor shall consider nominations submitted~~  
42 ~~by the State Employees Association of North Carolina. The initial members~~  
43 ~~appointed under this subdivision shall serve terms expiring June 30, 2001;~~  
44 ~~the terms of subsequent appointees shall be six years.~~

45 (4) ~~Two local government employees subject to the State Personnel Act~~  
46 ~~appointed by the Governor upon recommendation of the North Carolina~~  
47 ~~Association of County Commissioners, one a nonsupervisory local employee~~  
48 ~~and one a supervisory local employee. Neither local government employee~~  
49 ~~may be a human resources professional. The initial members appointed~~  
50 ~~under this subdivision shall serve terms expiring June 30, 2003; the terms of~~  
51 ~~subsequent appointees shall be for six years.~~

- 1           (5) ~~One member of the public at large appointed by the Governor. The initial~~  
2           ~~member appointed under this subdivision shall serve for a term expiring~~  
3           ~~June 30, 2001; the terms of subsequent appointees shall be for six years.~~
- 4       (b1) The Commission shall consist of nine members, appointed as follows:
- 5           (1) One member appointed by the General Assembly upon the recommendation  
6           of the Speaker of the House of Representatives who shall be an attorney  
7           licensed to practice law in North Carolina.
- 8           (2) One member appointed by the General Assembly upon the recommendation  
9           of the President Pro Tempore of the Senate who shall be an attorney licensed  
10           to practice law in North Carolina.
- 11           (3) One member appointed by the General Assembly upon the recommendation  
12           of the Speaker of the House of Representatives who shall be from private  
13           business or industry and who shall have a working knowledge of, or  
14           practical experience in, human resources management.
- 15           (4) One member appointed by the General Assembly upon the recommendation  
16           of the President Pro Tempore of the Senate who shall be from private  
17           business or industry and who shall have a working knowledge of, or  
18           practical experience in, human resources management.
- 19           (5) One member who is a veteran of the Armed Forces of the United States  
20           appointed by the Governor upon the nomination of the Veterans Affairs  
21           Commission and who is a State employee subject to this Chapter serving in a  
22           nonexempt supervisory position. The member may not be a human resources  
23           professional. The Governor shall consider nominations submitted by the  
24           State Employees Association of North Carolina.
- 25           (6) One member appointed by the Governor who is a State employee subject to  
26           this Chapter serving in a nonexempt nonsupervisory position. The member  
27           may not be a human resources professional. The Governor shall consider  
28           nominations submitted by the State Employees Association of North  
29           Carolina.
- 30           (7) One member appointed by the Governor upon the recommendation of the  
31           North Carolina Association of County Commissioners who is a local  
32           government employee subject to this Chapter serving in a supervisory  
33           position. The member may not be a human resources professional.
- 34           (8) One member appointed by the Governor upon the recommendation of the  
35           North Carolina Association of County Commissioners who is a local  
36           government employee subject to this Chapter serving in a nonsupervisory  
37           position. The member may not be a human resources professional.
- 38           (9) One member of the public at large appointed by the Governor.
- 39       (c) Each member of the Commission shall be appointed for a term of four years.  
40       Members of the Commission may serve no more than two consecutive terms. Appointments by  
41       the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those  
42       appointments shall be filled in accordance with G.S. 120-122. Vacancies in appointments made  
43       by the Governor occurring prior to the expiration of a term shall be filled by appointment for  
44       the unexpired term.
- 45       (d) No member of the Commission may serve on a case where there would be a conflict  
46       of interest. The appointing authority may at any time remove any Commission member for  
47       cause.
- 48       (e) Members of the Commission who are State or local government employees subject  
49       to ~~the State Personnel Act~~this Chapter shall be entitled to administrative leave without loss of  
50       pay for all periods of time required to conduct the business of the Commission.
- 51       (f) Six members of the Commission shall constitute a quorum.



1 (g) The Governor shall designate one member of the Commission as chair.

2 (h) The Commission shall meet quarterly, and at other times at the call of the chair."

3 **SECTION 2.19.(b)** The terms of the two attorney members appointed under  
4 G.S. 126-2(b)(1) serving on the Commission on January 1, 2013, shall expire on June 30, 2013.  
5 The terms of the persons from private business or industry appointed under G.S. 126-2(b)(2),  
6 serving on the Commission on January 1, 2013, shall expire on June 30, 2014. The terms of the  
7 two State employees appointed under G.S. 126-2(b)(3) serving on the Commission on January  
8 1, 2013, shall expire on June 30, 2013. The terms of the two local government employees  
9 appointed under G.S. 126-2(b)(4), serving on the Commission on January 1, 2013, shall expire  
10 on June 30, 2014. The term of the public at-large member appointed under G.S. 126-2(b)(5),  
11 serving on the Commission on January 1, 2013, shall expire June 30, 2013.

12 **SECTION 2.19.(c)** This section is effective when it becomes law.

## 13 14 **NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING** 15 **STANDARDS COMMISSION**

16 **SECTION 2.20.** G.S. 17C-3(a) reads as rewritten:

17 "(a) There is established the North Carolina Criminal Justice Education and Training  
18 Standards Commission, hereinafter called "the Commission." The Commission shall be  
19 composed of 31 members as follows:

20 (1) Police Chiefs. – Three police chiefs selected by the North Carolina  
21 Association of Chiefs of Police and one police chief appointed by the  
22 Governor.

23 (2) Police Officers. – Three police officials appointed by the North Carolina  
24 Police Executives Association and ~~two~~one criminal justice ~~officers~~officer  
25 certified by the Commission as selected by the North Carolina  
26 ~~Law Enforcement Officers' Association~~Association of Chiefs of Police.

27 (3) Departments. – The Attorney General of the State of North Carolina; the  
28 Secretary of Public Safety; the President of the North Carolina Community  
29 Colleges System.

30 (3a) Repealed by Session Laws 2001-490, s. 1.2, effective June 30, 2001.

31 (4) At-large Groups. – One individual representing and appointed by each of the  
32 following organizations: one mayor selected by the League of  
33 Municipalities; one law-enforcement training officer selected by the North  
34 Carolina Law-Enforcement Training Officers' Association; one criminal  
35 justice professional selected by the North Carolina Criminal Justice  
36 Association; one sworn law-enforcement officer selected by the North State  
37 Law-Enforcement Officers' Association; one member selected by the North  
38 Carolina Law-Enforcement Women's Association; one individual selected  
39 by the North Carolina Sheriff's Association; and one District Attorney  
40 selected by the North Carolina Association of District Attorneys.

41 (5) Citizens and Others. – The President of The University of North Carolina;  
42 the Dean of the School of Government at the University of North Carolina at  
43 Chapel Hill; and two citizens, one of whom shall be selected by the  
44 Governor and one of whom shall be selected by the Attorney General. The  
45 General Assembly shall appoint four persons, two upon the recommendation  
46 of the Speaker of the House of Representatives and two upon the  
47 recommendation of the President Pro Tempore of the Senate. Appointments  
48 by the General Assembly shall be made in accordance with G.S. 120-122.  
49 Appointments by the General Assembly shall be for two-year terms to  
50 conclude on June 30th in odd-numbered years.

- 1 (6) Correctional Officers. – Four correctional officers in management positions  
2 employed by the Division of Adult Correction of the Department of Public  
3 Safety shall be appointed, two from the Section of Community Corrections  
4 of the Division of Adult Correction upon the recommendation of the Speaker  
5 of the House of Representatives and two from the Section of Prisons of the  
6 Division of Adult Correction upon the recommendation of the President Pro  
7 Tempore of the Senate. Appointments by the General Assembly shall be  
8 made in accordance with G.S. 120-122. Appointments by the General  
9 Assembly shall serve two-year terms to conclude on June 30th in  
10 odd-numbered years. The Governor shall appoint one correctional officer  
11 employed by the Division of Adult Correction of the Department of Public  
12 Safety and assigned to the Office of Staff Development and Training. The  
13 Governor's appointment shall serve a three-year term.  
14

### 15 PART III. ISSUES RELATING TO INDEPENDENT OCCUPATIONAL LICENSING 16 BOARDS

17 SECTION 3.1. Chapter 93B of the General Statutes is amended by adding a new  
18 section to read:

#### 19 "§ 93B-8.1. Use of criminal history records.

20 (a) The following definitions apply in this section:

- 21 (1) Applicant. – A person who makes application for licensure from an  
22 occupational licensing board.  
23 (2) Board. – An occupational licensing board as defined in G.S. 93B-1.  
24 (3) Criminal history record. – A State or federal history of conviction of a crime,  
25 whether a misdemeanor or felony, that bears upon an applicant's or a  
26 licensee's fitness to be licensed or disciplined.  
27 (4) Licensee. – A person who has obtained a license to engage in or represent  
28 himself or herself to be a member of a particular profession or occupation.

29 (b) Unless the law governing a particular occupational licensing board provides  
30 otherwise, a board shall not automatically deny licensure on the basis of an applicant's criminal  
31 history. If the board is authorized to deny a license to an applicant on the basis of conviction of  
32 any crime or for commission of a crime involving fraud or moral turpitude, and the applicant's  
33 verified criminal history record reveals one or more convictions of any crime, the board may  
34 deny the license if it finds that denial is warranted after consideration of the following factors:

- 35 (1) The level and seriousness of the crime.  
36 (2) The date of the crime.  
37 (3) The age of the person at the time of the crime.  
38 (4) The circumstances surrounding the commission of the crime, if known.  
39 (5) The nexus between the criminal conduct and the prospective duties of the  
40 applicant as a licensee.  
41 (6) The prison, jail, probation, parole, rehabilitation, and employment records of  
42 the applicant since the date the crime was committed.  
43 (7) The subsequent commission of a crime by the applicant.

44 (c) The board may deny licensure to an applicant who refuses to consent to a criminal  
45 history record check or use of fingerprints or other identifying information required by the State  
46 or National Repositories of Criminal Histories."

47 SECTION 3.2. The Joint Legislative Program Evaluation Oversight Committee  
48 shall include in the 2013-2014 Work Plan for the Program Evaluation Division of the General  
49 Assembly a study to evaluate the structure, organization, and operation of the various  
50 independent occupational licensing boards. For purposes of this act, the term "occupational

1 licensing board" has the same meaning as defined in G.S. 93B-1. The Program Evaluation  
2 Division shall include the following within this study:

- 3 (1) Consideration of the feasibility of establishing a single State agency to  
4 oversee the administration of all or some of the occupational licensing  
5 boards.
- 6 (2) Whether greater efficiency and cost-effectiveness can be realized by  
7 combining the administrative functions of the boards, while allowing the  
8 boards to continue performing the regulatory functions.
- 9 (3) Whether the total number of boards should be reduced by combining and/or  
10 eliminating some boards.

11 **SECTION 3.3.** The Program Evaluation Division shall submit its findings and  
12 recommendations from Section 3.2 of this act to the Joint Legislative Program Evaluation  
13 Oversight Committee and the Joint Legislative Administrative Procedure Oversight Committee  
14 at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.  
15

#### 16 **PART IV. EFFECTIVE DATE**

17 **SECTION 4.1.** If any provision of this act or its application is held invalid, the  
18 invalidity does not affect other provisions or applications of this act that can be given effect  
19 without the invalid provisions or application, and to this end the provisions of this act are  
20 severable.

21 **SECTION 4.2.** Unless otherwise provided, this act is effective when it becomes  
22 law. If the terms of office eliminated in this act have not been set out, then the appointing  
23 authorities shall determine by July 1, 2013, which terms to eliminate to achieve the  
24 membership totals pursuant to this act. After determining which terms to eliminate, the  
25 appointing authority shall notify in writing all the persons and entities required to receive  
26 notification pursuant to G.S. 143-47.7.