

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 381  
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/10/19  
House Committee Substitute Favorable 5/29/19

Short Title: Reconstitute/Clarify Boards and Commissions.

(Public)

Sponsors:

Referred to:

March 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO RECONSTITUTE SEVERAL BOARDS AND COMMISSIONS HELD TO  
3 HAVE UNCONSTITUTIONALLY APPOINTED MEMBERSHIP PURSUANT TO  
4 MCCRORY V. BERGER AND COOPER V. BERGER AND TO MAKE  
5 CLARIFICATIONS TO THOSE BOARDS.

6 The General Assembly of North Carolina enacts:

7  
8 **PART I. CLEAN WATER MANAGEMENT TRUST FUND CLARIFICATIONS**

9 **SECTION 1.(a)** Part 41 of Article 2 of Chapter 143B of the General Statutes reads  
10 as rewritten:

11 "Part 41. Clean Water Management Trust Fund.

12 **"§ 143B-135.230. Purpose.**

13 It is the intent of the General Assembly that moneys from the Fund created under this Part  
14 shall be used to help finance projects that enhance or restore degraded surface waters; protect  
15 and conserve surface waters, including drinking supplies, and contribute toward a network of  
16 riparian buffers and greenways for environmental, educational, and recreational benefits; provide  
17 buffers around military bases to protect the military mission; acquire land that represents the  
18 ecological diversity of North Carolina; and acquire land that contributes to the development of a  
19 balanced State program of historic properties.

20 **"§ 143B-135.232. Definitions.**

21 The following definitions apply in this Part:

- 22 (1) ~~Council. — The advisory council for the Clean Water Management Trust Fund.~~  
23 (2) Fund. — The Clean Water Management Trust Fund created pursuant to this  
24 Part.  
25 (3) Land. — Real property and any interest in, easement in, or restriction on real  
26 property.  
27 (4) Local government unit. — Defined in G.S. 159G-20.  
28 (5) Trustees. — The trustees of the Clean Water Management Trust Fund.

29 **"§ 143B-135.234. Clean Water Management Trust Fund.**

30 (a) Fund Established. — The Clean Water Management Trust Fund is established as a  
31 special revenue fund to be administered by the Department of Natural and Cultural Resources.  
32 The Clean Water Management Trust Fund shall also be known as the "Land and Water Fund."  
33 The Fund receives revenue from the following sources and may receive revenue from other  
34 sources:

- 35 (1) Annual appropriations.



- 1 (2) Special registration plates under G.S. 20-81.12.  
2 (3) Other special registration plates under G.S. 20-79.7.  
3 (4) Hazard mitigation funds from the Federal Emergency Management Agency  
4 and other agencies.

5 (b) Fund Earnings, Assets, and Balances. – The State Treasurer shall hold the Fund  
6 separate and apart from all other moneys, funds, and accounts. Any balance remaining in the  
7 Fund at the end of any fiscal year shall be carried forward in the Fund for the next succeeding  
8 fiscal year. Payments from the Fund shall be made on the warrant of the Chair of the Board of  
9 Trustees.

10 (c) Fund Purposes. – Moneys from the Fund are appropriated annually to finance projects  
11 to clean up or prevent surface water pollution and for land preservation in accordance with this  
12 Part. Revenue in the Fund may be used for any of the following purposes:

- 13 (1) To acquire land for riparian buffers for the purposes of providing  
14 environmental protection for surface waters ~~and urban~~ drinking water supplies  
15 and establishing a network of riparian greenways for environmental,  
16 educational, and recreational uses.  
17 (2) To acquire conservation easements or other interests in real property for the  
18 purpose of protecting and conserving surface waters and enhancing drinking  
19 water supplies, including the development of water supply reservoirs.  
20 (3) To coordinate with other public programs involved with lands adjoining water  
21 bodies to gain the most public benefit while protecting and improving water  
22 quality.  
23 (4) To restore previously degraded lands to reestablish their ability to protect  
24 water quality.  
25 (5) To facilitate planning that targets reductions in surface water pollution.  
26 (6) To finance innovative efforts, including pilot projects, to improve stormwater  
27 management, to reduce pollutants entering the State's waterways, to improve  
28 water quality, and to research alternative solutions to the State's water quality  
29 problems.  
30 (7) ~~To provide buffers around military bases or for State matching funds for the~~  
31 ~~Readiness and Environmental Protection Initiative, a federal funding initiative~~  
32 ~~that provides funds for military buffers.~~ To prevent encroachment, provide  
33 buffers, and preserve natural habitats around military installations or military  
34 training areas, or for State matching funds of federal initiatives that provide  
35 funds to prevent encroachment, provide buffers, and preserve natural habitats  
36 around military installations or military training areas. For the purposes of this  
37 subdivision, "encroachment" shall mean the use of land, air, and water that is  
38 incompatible with the military mission, such as urban and suburban sprawl,  
39 around military installations or military training areas.  
40 (8) To acquire land that represents the ecological diversity of North Carolina,  
41 including natural features such as riverine, montane, coastal, and geologic  
42 systems and other natural areas to ensure their preservation and conservation  
43 for recreational, scientific, educational, cultural, and aesthetic purposes.  
44 (9) To acquire land that contributes to the development of a balanced State  
45 program of historic properties.  
46 (10), (11) Repealed by Session Laws 2015-241, s. 14.4, effective July 1, 2015.  
47 (12) To protect and restore floodplains and wetlands for the purpose of storing  
48 water, reducing flooding, improving water quality, providing wildlife and  
49 aquatic habitat, and providing recreational opportunities.

50 (d) Repealed by Session Laws 2015-241, s. 14.4, effective July 1, 2015.

51 "§ 143B-135.236. North Carolina Conservation Easement Endowment Fund.

1 (a) The North Carolina Conservation Easement Endowment Fund is established as a  
2 special fund in the Office of the State Treasurer. The principal of the Endowment Fund shall  
3 consist of a portion of grant funds transferred by the Trustees to the Endowment Fund from the  
4 Clean Water Management Trust Fund for stewardship activities related to projects for  
5 conservation easements funded from the Clean Water Management Trust Fund. The principal of  
6 the Endowment Fund may also consist of any proceeds of any gifts, grants, or contributions to  
7 the State that are specifically designated for inclusion in the Endowment Fund and any  
8 investment income that is not used in accordance with subsection (b) of this section. The State  
9 Treasurer shall hold the Endowment Fund separate and apart from all other moneys, funds, and  
10 accounts. The State Treasurer shall invest the assets of the Endowment Fund in accordance with  
11 the provisions of G.S. 147-69.2 and G.S. 147-69.3. The State Treasurer shall disburse the  
12 endowment investment income only upon the written direction of the Chair of the Board of  
13 Trustees. No expenditure or disbursement shall be made from the principal of the Endowment  
14 Fund.

15 (b) The Trustees may authorize the disbursement of the endowment investment income  
16 only for activities related to stewardship of conservation easements owned by the State.

17 **"§ 143B-135.238. Grant requirements.**

18 (a) Eligible Applicants. – Any of the following are eligible to apply for a grant from the  
19 Fund for the purpose of protecting and enhancing water quality:

20 (1) A State agency.

21 (2) A local government unit.

22 (3) A nonprofit corporation whose primary purpose is the conservation,  
23 preservation, or restoration of our State's cultural, environmental, or natural  
24 resources.

25 (b) Criteria. – The criteria developed by the Trustees under G.S. 143B-135.242 apply to  
26 grants made under this Part.

27 (c) Matching Requirement. – The Board of Trustees shall establish matching  
28 requirements for grants awarded under this Part. This requirement may be satisfied by the  
29 donation of land to a public or private nonprofit conservation organization as approved by the  
30 Board of Trustees. The Board of Trustees may also waive the requirement to match a grant  
31 pursuant to guidelines adopted by the Board of Trustees.

32 (d) Restriction. – No grant shall be awarded under this Part to satisfy compensatory  
33 mitigation requirements under 33 USC § 1344 or G.S. 143-214.11.

34 (e) Withdrawal. – An award of a grant under this Part is withdrawn if the grant recipient  
35 fails to enter into a construction contract for the project within one year after the date of the  
36 award, unless the Trustees find that the applicant has good cause for the failure. If the Trustees  
37 find good cause for a recipient's failure, the Trustees must set a date by which the recipient must  
38 take action or forfeit the grant.

39 **"§ 143B-135.240. Clean Water Management Trust Fund: Board of Trustees established;  
40 membership qualifications; vacancies; meetings and meeting facilities.**

41 (a) Board of Trustees Established. – There is established the Clean Water Management  
42 Trust Fund Board of Trustees. The Clean Water Management Trust Fund Board of Trustees shall  
43 be administratively located within the Department of Natural and Cultural Resources.

44 (b) Membership. – The Clean Water Management Trust Fund Board of Trustees shall be  
45 composed of nine members appointed to three-year terms as follows:

46 (1) ~~One member~~ Two members appointed by the Governor to ~~a term~~ terms that  
47 ~~expires~~ expire on July 1 of years that precede by one year those years that are  
48 evenly divisible by three.

49 (2) ~~One member~~ Two members appointed by the Governor to ~~a term~~ terms that  
50 ~~expires~~ expire on July 1 of years that follow by one year those years that are  
51 evenly divisible by three.

- 1 (3) One member appointed by the Governor to a term that expires on July 1 of  
2 years that are evenly divisible by three.
- 3 (4) One member appointed by the General Assembly upon the recommendation  
4 of the President Pro Tempore of the Senate to a term that expires on July 1 of  
5 years that precede by one year those years that are evenly divisible by three.
- 6 ~~(5) One member appointed by the General Assembly upon the recommendation  
7 of the President Pro Tempore of the Senate to a term that expires on July 1 of  
8 years that follow by one year those years that are evenly divisible by three.~~
- 9 (6) One member appointed by the General Assembly upon the recommendation  
10 of the President Pro Tempore of the Senate to a term that expires on July 1 of  
11 years that are evenly divisible by three.
- 12 ~~(7) One member appointed by the General Assembly upon the recommendation  
13 of the Speaker of the House of Representatives to a term that expires on July  
14 1 of years that precede by one year those years that are evenly divisible by  
15 three.~~
- 16 (8) One member appointed by the General Assembly upon the recommendation  
17 of the Speaker of the House of Representatives to a term that expires on July  
18 1 of years that follow by one year those years that are evenly divisible by three.
- 19 (9) One member appointed by the General Assembly upon the recommendation  
20 of the Speaker of the House of Representatives to a term that expires on July  
21 1 of years that are evenly divisible by three.

22 The initial terms of members appointed pursuant to subdivisions (2) and (8) of this subsection  
23 shall expire July 1, 2020. The initial terms of members appointed pursuant to subdivisions (1)  
24 and (4) of this subsection shall expire July 1, 2021. The initial terms of members appointed  
25 pursuant to subdivisions (3), (6), and (9) of this subsection shall expire July 1, 2022.

26 (c) Qualifications. – The office of Trustee is declared to be an office that may be held  
27 concurrently with any other executive or appointive office, under the authority of Article VI,  
28 Section 9, of the North Carolina Constitution. When appointing members of the Authority, the  
29 Governor, the President Pro Tempore of the Senate, and the Speaker of the House of  
30 Representatives shall give consideration to adequate representation from the various regions of  
31 the State and shall give consideration to the appointment of members who are knowledgeable in  
32 any of the following areas:

- 33 (1) Acquisition and management of natural areas.  
34 (2) Conservation and restoration of water quality.  
35 (3) Wildlife and fisheries habitats and resources.  
36 (4) Environmental management.  
37 (5) Historic preservation.

38 (d) Limitation on Length of Service. – No member of the Board of Trustees shall serve  
39 more than two consecutive three-year terms or a total of 10 years.

40 (e) Chair. – The Governor shall appoint one member to serve as Chair of the Board of  
41 Trustees.

42 (e1) Removal. – Members of the Board of Trustees may be removed pursuant to  
43 G.S. 143B-16.

44 (f) Vacancies. – An appointment to fill a vacancy on the Board of Trustees created by  
45 the resignation, removal, disability, or death of a member shall be for the balance of the unexpired  
46 term. Vacancies in appointments made by the General Assembly shall be filled as provided in  
47 G.S. 120-122.

48 (g) Frequency of Meetings. – The Board of Trustees shall meet at least twice each year  
49 and may hold special meetings at the call of the Chair or a majority of the members.

50 (h) Quorum. – A majority of the membership of the Board of Trustees constitutes a  
51 quorum for the transaction of business.

1 (i) Per Diem and Expenses. – Each member of the Board of Trustees shall receive per  
2 diem and necessary travel and subsistence expenses in accordance with the provisions of  
3 G.S. 120-3.1, 138-5, and 138-6, as applicable. Per diem, subsistence, and travel expenses of the  
4 Trustees shall be paid from the Fund.

5 **"§ 143B-135.242. Clean Water Management Trust Fund Board of Trustees: powers and**  
6 **duties.**

7 (a) Allocate Grant Funds. – The Trustees shall allocate moneys from the Fund as grants.  
8 A grant may be awarded only for a project or activity that satisfies the criteria and furthers the  
9 purposes of this Part.

10 (b) Develop Grant Criteria. – The Trustees shall develop criteria for awarding grants  
11 under this Part. The criteria developed shall include consideration of the following:

- 12 (1) The significant enhancement and conservation of water quality in the State.
- 13 (2) The objectives of the various basinwide management plans for the State's river  
14 basins and watersheds.
- 15 (2a) The objectives of basinwide integrated water management plans developed  
16 and adopted at the regional level.
- 17 (3) The promotion of regional integrated ecological networks insofar as they  
18 affect water quality.
- 19 (4) The specific areas targeted as being environmentally sensitive.
- 20 (5) The geographic distribution of funds as appropriate.
- 21 (6) The preservation of water resources with significant recreational or economic  
22 value and uses.
- 23 (7) The development of a network of riparian buffer-greenways bordering and  
24 connecting the State's waterways that will serve environmental, educational,  
25 and recreational uses.
- 26 (8) Water supply availability and the public's need for resources adequate to meet  
27 demand for essential water uses. Criteria developed pursuant to this  
28 subdivision may include ~~consideration of the likelihood of a proposed water~~  
29 ~~supply project ultimately being permitted and built.~~ the value of preserving  
30 capacity by preventing sedimentation and nutrient pollution.
- 31 (9) The protection or preservation of land with outstanding natural or cultural  
32 heritage values.
- 33 (10) The protection or preservation of land that contains a relatively undisturbed  
34 and outstanding example of a native North Carolina ecological community  
35 that is now uncommon; contains a major river or tributary, watershed,  
36 wetland, significant littoral, estuarine, or aquatic site, or important geologic  
37 feature; or represents a type of landscape, natural feature, or natural area that  
38 is not currently in the State's inventory of parks and natural areas.
- 39 (11) The protection or preservation of a site or structure that is of such historical  
40 significance as to be essential to the development of a balanced State program  
41 of historic properties.
- 42 (12) The rate and likelihood of land-use change and development, where such data  
43 is available.
- 44 (13) Priority shall be given to projects that are part of a comprehensive, long-term  
45 land-use plan by a State agency, local government unit, or a nonprofit  
46 corporation whose primary purpose is the conservation, preservation, or  
47 restoration of the State's cultural, environmental, or natural resources.

48 (c) Develop Additional Guidelines. – The Trustees may develop guidelines in addition  
49 to the grant criteria consistent with and as necessary to implement this Part.

50 (d) Acquisition of Land. – The Trustees may acquire land by purchase, negotiation, gift,  
51 or devise. Any acquisition of land by the Trustees must be reviewed and approved by the Council

1 of State and the deed for the land subject to approval of the Attorney General before the  
2 acquisition can become effective. In determining whether to acquire land as permitted by this  
3 Part, the Trustees shall consider whether the acquisition furthers the purposes of this Part ~~and~~  
4 ~~may also consider recommendations from the Council.~~ Part. Nothing in this section shall allow  
5 the Trustees to acquire land under the right of eminent domain.

6 (e) Exchange of Land. – The Trustees may exchange any land they acquire in carrying  
7 out the powers conferred on the Trustees by this Part.

8 (f) Land Management. – The Trustees may designate managers or managing agencies of  
9 the lands acquired under this Part.

10 (g) Rule-making Authority. – The Trustees may adopt rules to implement this Part.  
11 Chapter 150B of the General Statutes applies to the adoption of rules by the Trustees.

12 **"§ 143B-135.244. Clean Water Management Trust Fund: reporting requirement.**

13 The Chair of the Board of Trustees shall report no later than December 1 each year to the  
14 Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the  
15 Environmental Review Commission, the Subcommittees of the House of Representatives and  
16 Senate Appropriations Committees with jurisdiction over natural and economic resources, and  
17 the Fiscal Research Division of the General Assembly regarding the implementation of this Part.  
18 The report shall include a list of the projects awarded grants from the Fund for the previous  
19 12-month period. The list shall include for each project a description of the project, the amount  
20 of the grant awarded for the project, and the total cost of the project.

21 **"§ 143B-135.246. Clean Water Management Trust Fund: Executive Director and staff.**

22 The Secretary of Natural and Cultural Resources shall select and appoint a competent person  
23 in accordance with this section as Executive Director of the Clean Water Management Trust  
24 Fund Board of Trustees. The Executive Director shall be charged with the supervision of all  
25 activities under the jurisdiction of the Trustees and shall serve as the chief administrative officer  
26 of the Trustees. Subject to the approval of the Secretary of Natural and Cultural Resources, the  
27 Executive Director may employ such clerical and other assistants as may be deemed necessary.

28 The person selected as Executive Director shall have had training and experience in  
29 conservation, protection, and management of surface water resources. The salary of the  
30 Executive Director shall be fixed by the Secretary of Natural and Cultural Resources, and the  
31 Executive Director shall be allowed travel and subsistence expenses in accordance with  
32 G.S. 138-6. The Executive Director's salary and expenses shall be paid from the Fund. The term  
33 of office of the Executive Director shall be at the pleasure of the Secretary of Natural and Cultural  
34 Resources.

35 ~~These employees shall be exempt from the North Carolina Human Resources Act, as~~  
36 ~~provided in G.S. 126-5(c1).~~

37 ~~**"§ 143B-135.248. Clean Water Management Trust Fund: Advisory Council.**~~

38 ~~There is established the Clean Water Management Trust Fund Advisory Council. The~~  
39 ~~Council shall advise the Trustees with regard to allocations made from the Fund, and other issues~~  
40 ~~as requested by the Trustees. The Council shall be composed of the following or its designees:~~

- 41 (1) ~~Commissioner of Agriculture.~~
- 42 (2) ~~Chair of the Wildlife Resources Commission.~~
- 43 (3) ~~Secretary of Environmental Quality.~~
- 44 (4) ~~Secretary of the Department of Commerce.~~
- 45 (5) ~~Secretary of Natural and Cultural Resources."~~

46 **SECTION 1.(b)** G.S. 126-5(c1)(21) is repealed.

47 **SECTION 1.(c)** G.S. 20-79.7(b) reads as rewritten:

48 "(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and  
49 Cultural Attraction Plate Account are established within the Highway Fund. The Division must  
50 credit the additional fee imposed for the special registration plates listed in subsection (a) of this  
51 section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural

1 Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which  
2 is established under ~~G.S. 113A-253, G.S. 143B-135.234,~~ and the Parks and Recreation Trust  
3 Fund, which is established under ~~G.S. 113-44.15, G.S. 143B-135.56~~ as follows:

4 ...."

5 **SECTION 1.(d)** Chapter 159I of the General Statutes is repealed.

6 **SECTION 1.(e)** The Chair of the Board of Trustees shall report to the Joint  
7 Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the  
8 Environmental Review Commission, the Subcommittees of the House of Representatives and  
9 Senate Appropriations Committees with jurisdiction over natural and economic resources, and  
10 the Fiscal Research Division of the General Assembly regarding the implementation of Section  
11 1.(a) of this act no later than July 1, 2020.

## 12 13 **PART II. NORTH CAROLINA PARKS AND RECREATION AUTHORITY** 14 **RECONSTITUTION**

15 **SECTION 2.** G.S. 143B-135.202 reads as rewritten:

16 "**§ 143B-135.202. North Carolina Parks and Recreation Authority; members; selection;**  
17 **compensation; meetings.**

18 (a) Membership. – The North Carolina Parks and Recreation Authority shall consist of  
19 nine members. The members shall include persons who are knowledgeable about park and  
20 recreation issues in North Carolina or with expertise in finance. In making appointments, each  
21 appointing authority shall specify under which subdivision of this subsection the person is  
22 appointed. Members shall be appointed as follows:

23 (1) One member appointed by the Governor.

24 (2) One member appointed by the Governor.

25 (3) One member appointed by the Governor.

26 (4) One member appointed by the ~~General Assembly upon the recommendation~~  
27 ~~of the Speaker of the House of Representatives, as provided in G.S.~~  
28 ~~120-121.Governor.~~

29 (5) One member appointed by the ~~General Assembly upon the recommendation~~  
30 ~~of the Speaker of the House of Representatives, as provided in G.S.~~  
31 ~~120-121.Governor.~~

32 (6) One member appointed by the General Assembly upon the recommendation  
33 of the Speaker of the House of Representatives, as provided in G.S. 120-121.

34 (7) One member appointed by the General Assembly upon the recommendation  
35 of the ~~President Pro Tempore of the Senate, Speaker of the House of~~  
36 ~~Representatives,~~ as provided in G.S. 120-121.

37 (8) One member appointed by the General Assembly upon the recommendation  
38 of the President Pro Tempore of the Senate, as provided in G.S. 120-121.

39 (9) One member appointed by the General Assembly upon the recommendation  
40 of the President Pro Tempore of the Senate, as provided in G.S. 120-121.

41 (b) Terms. – Members shall serve staggered terms of office of three years. Members shall  
42 serve no more than two consecutive three-year terms. After serving two consecutive three-year  
43 terms, a member is not eligible for appointment to the Authority for at least one year after the  
44 expiration date of that member's most recent term. Upon the expiration of a three-year term, a  
45 member may continue to serve until a successor is appointed and duly qualified as provided by  
46 G.S. 128-7. The terms of members appointed under ~~subdivision subdivisions (1), (5), or (8)-(6),~~  
47 ~~and (8)~~ of subsection (a) of this section shall expire on July 1 of years that are evenly divisible  
48 by ~~three. three,~~ with the initial appointments expiring July 1, 2022. The terms of members  
49 appointed under ~~subdivision subdivisions (2), (4), or (7)-(3),~~ and (4) of subsection (a) of this  
50 section shall expire on July 1 of years that follow by one year those years that are evenly divisible  
51 by ~~three. three,~~ with the initial appointments expiring July 1, 2020. The terms of members

1 appointed under ~~subdivision (3), (6), or subdivisions (5), (7), and (9)~~ of subsection (a) of this  
2 section shall expire on July 1 of years that precede by one year those years that are evenly  
3 divisible by ~~three-three~~, with the initial appointments expiring July 1, 2021.

4 (c) Chair. – The Governor shall appoint one member of the North Carolina Parks and  
5 Recreation Authority to serve as Chair.

6 (d) Vacancies. – A vacancy on the North Carolina Parks and Recreation Authority shall  
7 be filled by the appointing authority responsible for making the appointment to that position as  
8 provided in subsection (a) of this section. An appointment to fill a vacancy shall be for the  
9 unexpired balance of the term.

10 (e) Removal. – The Governor may remove, as provided in Article 10 of Chapter 143C of  
11 the General Statutes any member of the North Carolina Parks and Recreation Authority appointed  
12 by the Governor for misfeasance, malfeasance, or nonfeasance. The General Assembly may  
13 remove any member of the North Carolina Parks and Recreation Authority appointed by the  
14 General Assembly for misfeasance, malfeasance, or nonfeasance.

15 (f) Compensation. – The members of the North Carolina Parks and Recreation Authority  
16 shall receive per diem and necessary travel and subsistence expenses according to the provisions  
17 of G.S. 138-5.

18 (g) Meetings. – The North Carolina Parks and Recreation Authority shall meet at least  
19 quarterly at a time and place designated by the Chair.

20 (h) Quorum. – A majority of the North Carolina Parks and Recreation Authority shall  
21 constitute a quorum for the transaction of business.

22 (i) Staff. – All clerical and other services required by the North Carolina Parks and  
23 Recreation Authority shall be provided by the Secretary of Natural and Cultural Resources."  
24

### 25 PART III. CHILD CARE COMMISSION RECONSTITUTION

26 SECTION 3. G.S. 143B-168.4 reads as rewritten:

27 "§ 143B-168.4. Child Care Commission – members; selection; quorum.

28 (a) The Child Care Commission of the Department of Health and Human Services shall  
29 consist of 17 members. ~~Seven-Nine~~ of the members shall be appointed by the Governor and ~~40~~  
30 ~~eight~~ by the General Assembly, ~~five-four~~ upon the recommendation of the President Pro Tempore  
31 of the Senate, and ~~five-four~~ upon the recommendation of the Speaker of the House of  
32 Representatives. Four of the members appointed by the Governor, two by the General Assembly  
33 on the recommendation of the President Pro Tempore of the Senate, and two by the General  
34 Assembly on the recommendation of the Speaker of the House of Representatives, shall be  
35 members of the public who are not employed in, or providing, child care and who have no  
36 financial interest in a child care facility. Two of the foregoing public members appointed by the  
37 Governor, one of the foregoing public members recommended by the President Pro Tempore of  
38 the Senate, and one of the foregoing public members recommended by the Speaker of the House  
39 of Representatives shall be parents of children receiving child care services. Of the remaining  
40 two public members appointed by the Governor, one shall be a pediatrician currently licensed to  
41 practice in North Carolina. Three of the members appointed by the Governor shall be child care  
42 providers, one of whom shall be affiliated with a ~~for-profit~~ for-profit child care center, one of  
43 whom shall be affiliated with a ~~for-profit~~ for-profit family child care home, and one of whom  
44 shall be affiliated with a nonprofit facility. Two of the members appointed by the Governor shall  
45 be early childhood education specialists. Two of the members appointed by the General  
46 Assembly on the recommendation of the President Pro Tempore of the Senate, and two by the  
47 General Assembly on recommendation of the Speaker of the House of Representatives, shall be  
48 child care providers, one affiliated with a ~~for-profit~~ for-profit child care facility, and one affiliated  
49 with a nonprofit child care facility. ~~The General Assembly, upon the recommendation of the~~  
50 ~~President Pro Tempore of the Senate, and the General Assembly, upon the recommendation of~~



1 the Speaker of the House of Representatives, shall appoint two early childhood education  
2 specialists. ~~None of the members~~ may be employees of the State.

3 (b) Members shall be appointed as follows:

4 (1) Of the Governor's initial appointees, ~~four~~ five shall be appointed for terms  
5 expiring June 30, ~~2015, 2020,~~ and ~~three~~ four shall be appointed for terms  
6 expiring June 30, ~~2016; 2021.~~

7 (2) Of the General Assembly's initial appointees appointed upon recommendation  
8 of the President Pro Tempore of the Senate, ~~three~~ two shall be appointed for  
9 terms expiring June 30, ~~2015, 2020,~~ and two shall be appointed for terms  
10 expiring June 30, ~~2016; 2021.~~

11 (3) Of the General Assembly's initial appointees appointed upon recommendation  
12 of the Speaker of the House of Representatives, two shall be appointed for  
13 terms expiring June 30, ~~2015, 2020,~~ and ~~three~~ two shall be appointed for terms  
14 expiring June 30, ~~2016; 2021.~~

15 Appointments by the General Assembly shall be made in accordance with G.S. 120-121.  
16 After the initial appointees' terms have expired, all members shall be appointed to serve two-year  
17 terms. Any appointment to fill a vacancy on the Commission created by the resignation,  
18 dismissal, death, or disability of a member shall be for the balance of the unexpired term.

19 (c) A vacancy occurring during a term of office is filled:

20 (1) By the Governor, if the Governor made the initial appointment;

21 (2) By the General Assembly, if the General Assembly made the initial  
22 appointment in accordance with G.S. 120-122.

23 At its first meeting the Commission members shall elect a ~~chairman~~ Chair to serve a ~~two-year~~  
24 ~~term.~~ Chairmen ~~term~~ expiring June 30, 2020. A successor Chair shall be elected for two-year  
25 terms thereafter. The same member may serve as ~~chairman~~ Chair for two consecutive terms.

26 Commission members may be removed pursuant to G.S. 143B-13(d).

27 Commission members may be reappointed and may succeed themselves for a maximum of  
28 four consecutive terms.

29 The Commission shall meet quarterly, and at other times at the call of the ~~chairman~~ Chair or  
30 upon written request of at least six members.

31 The members of the Commission shall receive per diem and necessary travel and subsistence  
32 expenses in accordance with the provisions of G.S. 138-5. A majority of the Commission shall  
33 constitute a quorum for the transaction of business.

34 All clerical and other services required by the Commission shall be supplied by the Secretary  
35 of Health and Human Services."  
36

## 37 PART IV. PRIVATE PROTECTIVE SERVICES BOARD RECONSTITUTION

38 SECTION 4. G.S. 74C-4 reads as rewritten:

39 "**§ 74C-4. Private Protective Services Board established; members; terms; vacancies;  
40 compensation; meetings.**

41 (a) The Private Protective Services Board is hereby established in the Department of  
42 Public Safety to administer the licensing and set educational and training requirements for  
43 persons, firms, associations, and corporations engaged in a private protective services profession  
44 within this State.

45 (b) The Board shall consist of 14 members: the Secretary of Public Safety or the  
46 Secretary's designated representative, ~~three~~ seven persons appointed by the Governor, ~~five~~ three  
47 persons appointed by the General Assembly upon the recommendation of the President Pro  
48 Tempore of the Senate, and ~~five~~ three persons appointed by the General Assembly upon the  
49 recommendation of the Speaker of the House of Representatives. All appointments by the  
50 General Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the  
51 positions filled by those appointments shall be filled pursuant to G.S. 120-122. One of those

1 persons appointed by the General Assembly upon the recommendation of the President Pro  
2 Tempore of the ~~Senate~~ Senate, three of the members appointed by the Governor, and all five  
3 three persons appointed by the General Assembly upon the recommendation of the Speaker of  
4 the House of Representatives shall be licensees under this Chapter; all other appointees may not  
5 be licensees of the Board nor licensed by the Board while serving as Board members. All persons  
6 appointed shall serve terms of three years. With the exception of the Secretary of Public Safety  
7 or the Secretary's designated representative, no person shall serve more than eight consecutive  
8 years on the Board. Board members may continue to serve until their successors have been  
9 appointed. The initial terms of three of the members appointed by the Governor shall expire July  
10 1, 2020. The initial terms of one member appointed by each authority making an appointment  
11 pursuant to this subsection shall expire July 1, 2021. All other initial terms of members appointed  
12 pursuant to this subsection shall expire July 1, 2022.

13 (c) Vacancies on the Board occurring for any reason shall be filled by the authority  
14 making the original appointment of the person causing the vacancy.

15 (d) Each member of the Board, before assuming the duties of his office, shall take an oath  
16 for the faithful performance of his duties. A Board member may be removed at the pleasure of  
17 the authority making the original appointment or by the Board for misconduct, incompetence, or  
18 neglect of duty.

19 (e) Members of the Board who are State officers or employees shall receive no per diem  
20 compensation for serving on the Board, but shall be reimbursed for their expenses in accordance  
21 with G.S. 138-6. Members of the Board who are full-time salaried public officers or employees  
22 other than State officers or employees shall receive no per diem compensation for serving on the  
23 Board, but shall be reimbursed for their expenses in accordance with G.S. 138-6 in the same  
24 manner as State officers or employees. All other Board members shall receive per diem  
25 compensation and reimbursement in accordance with G.S. 93B-5.

26 (f) The Board shall elect a ~~chairman, vice chair,~~ Chair, vice-chair, and other officers and  
27 committee ~~chairmen~~ Chairs from among its members as the Board deems necessary and desirable  
28 at the first meeting after July 1 of each year. The ~~chairman~~ Chair and ~~vice chairman~~ vice-chair  
29 shall be selected by the members of the Board for a term of one year and shall be eligible for  
30 reelection. The Board shall meet at the call of the ~~chairman~~ Chair or a majority of the members  
31 of the Board at such time, date, and location as may be decided upon by a majority of the Board.

32 (g) All decisions heretofore made by the Private Protective Services Board, established  
33 pursuant to Chapter 74B, shall remain in full force and effect unless and until repealed or  
34 suspended by action of the Private Protective Services Board established herein.

35 (h) The Board shall pay the appropriate State agency for the use of physical facilities and  
36 services provided to it by the State."  
37

## 38 PART V. RURAL INFRASTRUCTURE AUTHORITY RECONSTITUTION AND 39 CLARIFICATION

40 SECTION 5. G.S. 143B-472.128 reads as rewritten:

41 "§ 143B-472.128. Rural Infrastructure Authority created; powers.

42 (a) Creation. – The Rural Infrastructure Authority is created within the Department of  
43 Commerce.

44 (b) Membership. – The Authority shall consist of ~~16~~ 17 members who shall be appointed  
45 as follows:

46 (1) The Secretary of ~~Commerce, who shall serve as a nonvoting ex officio~~  
47 ~~member, except in the case of a tie.~~ Commerce, ex officio, or the Secretary's  
48 designee.

49 (2) ~~Five~~ Four members appointed by the General Assembly upon the  
50 recommendation of the President Pro Tempore of the Senate, and they shall  
51 each represent a Tier 1 or Tier 2 county.

1           (3) ~~Five~~Four members appointed by the General Assembly upon the  
2           recommendation of the Speaker of the House of Representatives, and they  
3           shall each represent a Tier 1 or Tier 2 county.

4           (4) ~~Five~~Eight members appointed by the Governor, and they shall each represent  
5           a Tier 1 or Tier 2 county.

6           (c) Terms. – Members shall serve for a term of three years, except for initial terms as  
7           provided in this section. No member of the Authority shall serve for more than two consecutive  
8           terms, but a person who has been a member for two consecutive terms may be reappointed after  
9           being off the Authority for a period of at least three years. An initial term that is two years or less  
10          shall not be counted in determining the limitation on consecutive terms. ~~Initial terms shall~~  
11          ~~commence on July 1, 2013.~~

12          In order to provide for staggered terms, two persons appointed to the positions designated in  
13          subdivision (b)(2) of this section, ~~one person~~ section and two persons appointed to the positions  
14          designated in subdivision (b)(3) of this section, ~~and two persons appointed to the positions~~  
15          ~~designated in subdivision (b)(4) of this section~~ shall be appointed for initial terms ending on June  
16          30, ~~2014.~~ ~~One person~~ 2020. Two persons appointed to the positions designated in subdivision  
17          (b)(2) of this section, two persons appointed to the positions designated in subdivision (b)(3) of  
18          this section, and ~~two~~ four persons appointed to the positions designated in subdivision (b)(4) of  
19          this section shall be appointed for initial terms ending on June 30, ~~2015.~~ ~~Two persons appointed~~  
20          ~~to the positions designated in subdivision (b)(2) of this section, two persons appointed to the~~  
21          ~~positions designated in subdivision (b)(3) of this section, and one person~~ 2021. Four persons  
22          appointed to the positions designated in subdivision (b)(4) of this section shall be appointed for  
23          initial terms ending on June 30, ~~2016.~~ 2022.

24          (d) Officers. – The Authority members shall select from among the membership of the  
25          Authority a person to serve as chair and vice-chair. The chair and vice-chair shall each serve for  
26          a term of one year, but may be re-elected to serve successive terms.

27          (e) Compensation. – Authority members shall receive no salary as a result of serving on  
28          the Authority, but are entitled to per diem and allowances in accordance with G.S. 138-5 and  
29          G.S. 138-6, as appropriate.

30          (f) Meetings. – The Secretary shall convene the first meeting of the Authority within 30  
31          days after the appointment of Authority members under subsection (b) of this section. Meetings  
32          shall be held as necessary as determined by the Authority.

33          (g) Quorum. – A majority of the members of the Authority constitutes a quorum for the  
34          transaction of business. A vacancy in the membership of the Authority does not impair the right  
35          of the quorum to exercise all rights and to perform all duties of the Authority.

36          (h) Vacancies. – A vacancy on the Authority shall be filled in the same manner in which  
37          the original appointment was made, and the term of the member filling the vacancy shall be for  
38          the balance of the unexpired term. Vacancies in appointments made by the General Assembly  
39          shall be filled in accordance with G.S. 120-122.

40          (i) Removal. – Members may be removed in accordance with G.S. 143B-13. A member  
41          who misses three consecutive meetings of the Authority may be removed for nonfeasance.

42          (j) Powers and Duties. – The Authority has the following powers and duties:

43               (1) To receive and review applications from local government units for grants or  
44               loans authorized under G.S. 143B-472.127.

45               (2) To award grants or loans as provided in G.S. 143B-472.127. In awarding  
46               grants or loans under G.S. 143B-472.127(a), priority shall be given to local  
47               government units of the counties that have one of the 80 highest rankings  
48               under G.S. 143B-437.08.

49               (3) To formulate policies and priorities for grant and loan making under  
50               G.S. 143B-472.127, which shall include, among other things, providing for (i)  
51               at least four grant application cycles during each fiscal year, (ii) the timely

- 1 distribution of grants and loans so as to allow local government units to  
 2 undertake infrastructure and other projects authorized under this Part without  
 3 undue delay, and (iii) the use of federal funds first instead of General Fund  
 4 appropriations where the project meets federal requirements or guidelines.
- 5 (4) To establish a threshold amount for emergency grants and loans that may be  
 6 awarded by the Assistant Secretary without the prior approval of the  
 7 Authority. Any emergency grants or loans awarded by the Assistant Secretary  
 8 pursuant to this subdivision shall meet the requirements of  
 9 G.S. 143B-472.127(a) or (b), and shall comply with policies and procedures  
 10 adopted by the Authority. The Assistant Secretary shall, as soon as  
 11 practicable, inform the Authority of any emergency grants or loans made  
 12 under this subdivision, including the name of the local government unit to  
 13 which the grant or loan was made, the amount of the grant or loan, and the  
 14 project for which the grant or loan was requested.
- 15 (5) To determine ways in which the Rural Economic Development Division can  
 16 aid local government units in meeting the costs for preliminary project  
 17 planning needed for making an application for a grant or loan under  
 18 G.S. 143B-472.127.
- 19 (6) To determine ways in which the Rural Economic Development Division can  
 20 effectively disseminate information to local government units about the  
 21 availability of grants or loans under G.S. 143B-472.127, the application and  
 22 review process, and any other information that may be deemed useful to local  
 23 government units in obtaining grants or loans.
- 24 (7) To review from time to time the effectiveness of the grant or loan programs  
 25 under G.S. 143B-472.127 and to determine ways in which the programs may  
 26 be improved to better serve local government units.
- 27 (8) No later than September 1 of each year, to submit a report to the Senate  
 28 Appropriations Committee on Natural and Economic Resources, the House  
 29 Appropriations Subcommittee on Natural and Economic Resources, and the  
 30 Fiscal Research Division that details all of the following:
- 31 a. Total number of awards made in the previous fiscal year.
  - 32 b. Geographic display of awards made.
  - 33 c. Total number of jobs created in the previous fiscal year.
  - 34 d. Recommended policy changes that would benefit economic  
 35 development in rural areas of the State."

## 37 PART VI. STATE BUILDING COMMISSION RECONSTITUTION

### 38 SECTION 6. G.S. 143-135.25 reads as rewritten:

39 "Article 8B.

40 "State Building Commission.

#### 41 "§ 143-135.25. State Building Commission – Creation; staff; membership; appointments; 42 terms; vacancies; ~~chairman;~~ Chair; compensation.

43 (a) A State Building Commission is created within the Department of Administration to  
 44 develop procedures to direct and guide the State's capital facilities development and management  
 45 program and to perform the duties created under this Article.

46 (b) The State Construction Office of the Department of Administration shall provide staff  
 47 to the State Building Commission. The ~~chairman~~ Chair of the Commission shall provide direction  
 48 to the State Construction Office on its work for the Commission.

49 The director of the State Construction Office shall be a registered engineer or licensed  
 50 architect and shall be technically qualified by educational background and professional

1 experience in building design, construction, or facilities management. The administrative head  
2 shall be appointed by the Secretary of the Department of Administration.

3 (c) The Commission shall consist of nine members qualified and appointed as follows:

- 4 (1) A licensed architect whose primary practice is or was in the design of  
5 buildings, chosen from among not more than three persons nominated by the  
6 North Carolina Chapter of the American Institute of Architects, appointed by  
7 the Governor.
- 8 (2) A registered engineer whose primary practice is or was in the design of  
9 engineering systems for buildings, chosen from among not more than three  
10 persons nominated by the Consulting Engineers Council and the Professional  
11 Engineers of North Carolina, appointed by the General Assembly upon the  
12 recommendation of the President Pro Tempore of the Senate in accordance  
13 with G.S. 120-121.
- 14 (3) A licensed building contractor whose primary business is or was in the  
15 construction of buildings, or an employee of a company holding a general  
16 contractor's license, chosen from among not more than three persons  
17 nominated by the Carolinas AGC (Associated General Contractors),  
18 appointed by the General Assembly upon the recommendation of the Speaker  
19 of the House of Representatives in accordance with G.S. 120-121.
- 20 (4) A licensed electrical contractor whose primary business is or was in the  
21 installation of electrical systems for buildings, chosen from among not more  
22 than three persons nominated by the North Carolina Association of Electrical  
23 Contractors, and the Carolinas Electrical Contractors' Association, appointed  
24 by the Governor.
- 25 (5) A public member appointed by the ~~General Assembly upon the~~  
26 ~~recommendation of the President Pro Tempore of the Senate in accordance~~  
27 ~~with G.S. 120-121.~~ Governor.
- 28 (6) A licensed mechanical contractor whose primary business is or was in the  
29 installation of mechanical systems for buildings, chosen from among not more  
30 than three persons nominated by the North Carolina Association of Plumbing,  
31 Heating, Cooling Contractors, appointed by the ~~General Assembly upon the~~  
32 ~~recommendation of the Speaker of the House of Representatives in~~  
33 ~~accordance with G.S. 120-121.~~ Governor.
- 34 (7) An employee of the university system currently involved in the capital  
35 facilities development process, chosen from among not more than three  
36 persons nominated by the Board of Governors of The University of North  
37 Carolina, appointed by the Governor.
- 38 (8) A public member who is knowledgeable in the building construction or  
39 building maintenance area, appointed by the General Assembly upon the  
40 recommendation of the President Pro Tempore of the Senate in accordance  
41 with G.S. 120-121.
- 42 (9) A representative of local government, chosen from among not more than two  
43 persons nominated by the North Carolina Association of County  
44 Commissioners and two persons nominated by the North Carolina League of  
45 Municipalities, appointed by the General Assembly upon recommendation of  
46 the Speaker of the House of Representatives in accordance with G.S. 120-121.

47 The members shall be appointed for staggered three-year terms: ~~The initial appointments to~~  
48 ~~the Commission shall be made within 15 days of the effective date of this act [April 14, 1987].~~  
49 ~~The initial terms of members appointed pursuant to subdivisions (1), (2), (4), and (3)-(5) of this~~  
50 ~~subsection shall expire June 30, 1990; 2020; the initial terms of members appointed pursuant to~~  
51 ~~(4), (5), subdivisions (2), (3), and (6) of this subsection shall expire June 30, 1989; 2021; and the~~

1 initial terms of members appointed pursuant to subdivisions (7), (8), and (9) of this subsection  
2 shall expire June 30, ~~1988-2022~~. Members may serve no more than six consecutive years. In  
3 making new appointments or filling vacancies, the Governor shall ensure that minorities and  
4 women are represented on the Commission.

5 Members of the Commission may be removed pursuant to G.S. 143B-13(d).

6 Vacancies in appointments made by the Governor shall be filled by the Governor for the  
7 remainder of the unexpired terms. Vacancies in appointments made by the General Assembly  
8 shall be filled in accordance with G.S. 120-122. Persons appointed to fill vacancies shall qualify  
9 in the same manner as persons appointed for full terms.

10 The ~~chairman~~Chair of the Commission shall be elected by the Commission. The Secretary  
11 of State shall serve as ~~chairman~~Chair until a ~~chairman~~Chair is elected.

12 (d) The Commission shall meet at least four times a year on or about January 15, April  
13 15, July 15, and October 15. The Commission shall also meet upon the call of the ~~chairman~~  
14 Chair, or upon call of at least five members. The Secretary of State shall call the first meeting  
15 within 30 days of the effective date of this act; the first order of business at the first meeting shall  
16 be the election of a ~~chairman~~Chair by the Commission.

17 (e) Members of the Commission who are not State officers or employees shall receive  
18 per diem of one hundred dollars (\$100.00) a day when the Commission meets and shall be  
19 reimbursed for travel and subsistence as provided in G.S. 138-5. Members who are State officers  
20 or employees shall be reimbursed for travel and subsistence as provided in G.S. 138-6."  
21

## 22 **PART VII. EFFECTIVE DATE**

23 **SECTION 7.** This act becomes effective July 1, 2019. All rules, regulations, and  
24 decisions made by the predecessor boards and authorities reconstituted in this act shall remain in  
25 full force and effect until and unless duly modified by the successor entities.