

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

S/H

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**BILL DRAFT 2011-LGfz-151E\* [v.10] (2/19)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/15/2012 12:27:05 PM**

Short Title: Boards & Commissions Efficiency Act of 2012. (Public)

Sponsors: Senators Brown, Rouzer, and Soucek (Primary Sponsors)./Representatives Avila and McElraft (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED  
AN ACT TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT BY ABOLISHING  
CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES,  
REORGANIZING THE MEMBERSHIP OF SOME STATE BOARDS, COMMISSION,  
AND COMMITTEES, AND MAKING CONFORMING CHANGES, AS  
RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.

The General Assembly of North Carolina enacts:

**PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS  
THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED  
CRITICAL**

**LEGISLATIVE INTENT AND FINDINGS**

**SECTION 1.** The intent of the North Carolina General Assembly is to ensure wise expenditures of taxpayer dollars and increase efficiency in governmental services. Legislative findings indicate more than 500 boards and commissions containing more than 5,000 members were authorized by statute and by Executive Order as of January 2011. Additional findings suggest the average cost to the State is almost eight hundred dollars (\$800.00) per member per year. The steady proliferation of executive boards and commissions has done little to improve the functioning of government or the services provided to citizens at substantial costs to the taxpayer. Therefore, it is the intent of the General Assembly to both eliminate and diminish membership of certain boards and commissions in order to eliminate financial waste and provide more efficient and effective services to the citizens of North Carolina.

**GOVERNOR'S ADVISORY COUNCIL ON AGING**

**SECTION 1.1.** G.S. 143B-138.1(b)(2) and Part 14 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-180 and G.S. 143B-181, are repealed.

**NORTH CAROLINA AGRICULTURAL HALL OF FAME BOARD OF DIRECTORS**

**SECTION 1.2.(a)** G.S. 106-568.14 and G.S. 106-568.15 are repealed.

**SECTION 1.2.(b)** G.S. 106-568.16 reads as rewritten:



**"§ 106-568.16. Admission of candidates to Hall of Fame.**

The ~~said board~~ Board of Agriculture is hereby empowered to formulate rules and regulations governing acceptance and admission of candidates to ~~said the~~ North Carolina Agricultural Hall of Fame, provided that no name shall be accepted until an authentic and written record of achievements of said person in agricultural activities shall have been presented to and accepted by a majority vote of said board created by this Article, and provided that both men and women are eligible for recognition."

**SECTION 1.2.(c)** G.S. 106-568.17 reads as rewritten:

**§ 106-568.17. Acceptance of gifts, devises, and awards; display thereof.**

The ~~said board~~ Board of Agriculture is hereby empowered to accept and receive gifts, devises, and awards which are to become the sole property of ~~said the~~ North Carolina Agricultural Hall of Fame and are to be kept in a proper manner in a suitable room or hall in some state-owned building in Raleigh, provided that duplicates of ~~such~~ gifts, devises, and awards may be displayed in a suitable room or hall in the School of Agriculture of the North Carolina State College of Agriculture and Engineering at Raleigh, North Carolina."

**AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION**

**SECTION 1.3.** Article 19 of Chapter 120 of the General Statutes, G.S. 120-150 through G.S. 120-154, and G.S. 143-318.14A(a)(15) are repealed.

**AMERICA'S FOUR HUNDREDTH ANNIVERSARY COMMISSION**

**SECTION 1.4.(a)** Part 13 of Article 2 of Chapter 143B of the General Statutes, G.S. 143B-85 and G.S. 143B-86, and G.S. 143B-51(b)(15) are repealed.

**SECTION 1.4.(b)** G.S. 143B-53 reads as rewritten:

**SECTION 1.4.(c)** G.S. 143B-53 reads as rewritten:

**"§ 143B-53. Organization of the Department.**

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, ~~the America's Four Hundredth Anniversary Committee~~, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., the North Carolina State Art Society, and the Division of the State Library, the Division of Archives and History, the Division of the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

**COMMISSION OF ANATOMY**

**SECTION 1.5.(a)** Part 1 of Article 1B of Chapter 130A of the General Statutes, except G.S. 130A-33.22, is repealed.

**SECTION 1.5.(b)** G.S. 130A-29 reads as rewritten:

**§ 130A-29. Commission for Public Health – Creation, powers and duties.**

(a) The Commission for Public Health is created with the authority and duty to adopt rules to protect and promote the public health.

(b) The Commission is authorized to adopt rules necessary to implement the public health programs administered by the Department as provided in this Chapter.

(c) The Commission shall adopt rules:

...

(11) Pertaining to the distribution of dead human bodies and parts thereof for the purpose of promoting the study of anatomy in the State of North Carolina. The Commission is authorized to receive dead bodies pursuant to G.S. 130A-412.13 and to be a donee of a body or parts thereof pursuant to Part 3A, Article 16 of Chapter 130A of the General Statutes known as the Revised Uniform Anatomical Gift Act and to distribute such bodies or parts thereof pursuant to the rules adopted by the Commission.

(d) The Commission is authorized to create:

(1) Metropolitan water districts as provided in G.S. 162A-33;

(2) Sanitary districts as provided in Part 2 of Article 2 of this Chapter; and

(3) Mosquito control districts as provided in Part 2 of Article 12 of this Chapter.

(e) Rules adopted by the Commission shall be enforced by the Department."

**SECTION 1.5.(c)** G.S. 130A-33.32 is recodified as G.S. 130A-33.1 and reads as rewritten:

**"§ 130A-33.1. Commission of Anatomy for Public Health – Reference to former Board of Anatomy in testamentary disposition.**

A testamentary disposition of a body or part thereof to the former Board of Anatomy shall be deemed in all respects to be a disposition to the Commission of Anatomy for Public Health."

**SECTION 1.5.(d)** G.S. 130A-398 reads as rewritten:

**"§ 130A-398. Limitation on right to perform autopsy.**

The right to perform an autopsy shall be limited to those cases in which:

...

(2) The Commission of Anatomy for Public Health, acting pursuant to G.S. 130A-415, has given written consent for an autopsy to be performed on an unclaimed body;

..."

**SECTION 1.5.(e)** G.S. 130A-412.13 reads as rewritten:

**"§ 130A-412.13. Persons that may receive anatomical gift; purpose of anatomical gift.**

(a) An anatomical gift may be made to the following persons named in the document of gift:

(1) A hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person, including the Commission of Anatomy for Public Health, for research or education;

(2) Subject to subsection (b) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the body part;

(3) An eye bank or tissue bank.

..."

**SECTION 1.5.(f)** G.S. 130A-415 reads as rewritten:

**"§ 130A-415. Unclaimed bodies; bodies claimed by the Lifeguardianship Council of the Association for Retarded Citizens of North Carolina; disposition.**

(a) Any person, including officers, employees and agents of the State or of any unit of local government in the State, undertakers doing business within the State, hospitals, nursing homes or other institutions, having physical possession of a dead body shall make reasonable efforts to contact relatives of the deceased or other persons who may wish to claim the body for final disposition. If the body remains unclaimed for final disposition for 10 days, the person having possession shall notify the Commission of Anatomy for Public Health. Upon request of the Commission of Anatomy for Public Health, the person having possession shall deliver the dead body to the Commission of Anatomy for Public Health at a time and place specified by the

Commission of ~~Anatomy~~for Public Health or shall permit the Commission of ~~Anatomy~~for Public Health to take and remove the body.

(b) All dead bodies not claimed for final disposition within 10 days of the decedent's death may be received and delivered by the Commission of ~~Anatomy~~for Public Health pursuant to the authority contained in ~~G.S. 130A-33-30~~G.S. 130A-29 and this Part and in accordance with the rules of the Commission of ~~Anatomy~~for Public Health. Upon receipt of a body by the Commission of ~~Anatomy~~for Public Health all interests in and rights to the unclaimed dead body shall vest in the Commission of ~~Anatomy~~for Public Health. The recipient to which the Commission of ~~Anatomy~~for Public Health delivers the body shall pay all expenses for the embalming and delivery of the body, and for the reasonable expenses arising from efforts to notify relatives or others.

(b1) The 10-day period referenced in subsections (a) and (b) of this section may be shortened by the county director of social services upon determination that a dead body will not be claimed for final disposition within the 10-day period.

(c) Should the Commission of ~~Anatomy~~for Public Health decline to receive a dead body, the person with possession shall inform the director of social services of the county in which the body is located. The director of social services of that county shall arrange for prompt final disposition of the body, either by cremation or burial. Reasonable costs of disposition and of efforts made to notify relatives and others shall be considered funeral expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-8. If those expenses cannot be satisfied from the decedent's estate, they shall be borne by the decedent's county of residence. If the deceased is not a resident of this State, or if the county of residence is unknown, those expenses shall be borne by the county in which the death occurred.

(d) No autopsy shall be performed on an unclaimed body without the written consent of the Commission of ~~Anatomy~~for Public Health except that written consent is not required for an autopsy performed pursuant to Part 2 of this Article.

(e) Due caution shall be taken to shield the unclaimed body from public view.

(f) Notwithstanding anything contained in this section, an unclaimed body shall not mean a dead body for which the deceased has made a gift pursuant to Part 3A of this Article.

(g) Nothing in this Part shall require the officers, employees or agents of a county to notify the Commission of ~~Anatomy~~for Public Health regarding the bodies of minors who were in the custody of the county at the time of death and whose final disposition will be arranged by the county. In the absence of notification, the expenses of the final disposition shall be a charge upon the county having custody.

(h) The provisions of this Part shall not apply to bodies within the jurisdiction of the medical examiner under G.S. 130A-383 or 130A-384.

(i) In addition to the other duties of the Commission of ~~Anatomy~~for Public Health, when the Commission of ~~Anatomy~~for Public Health is notified by the Lifeguardianship Council of the Association of Retarded Citizens of North Carolina, Inc., that the Council intends to claim a body, the Commission shall release the body to the Council. The Lifeguardianship Council shall notify the Commission of ~~Anatomy~~for Public Health within 24 hours after death of its intent to claim a body for burial or other humane and caring disposition."

**SECTION 1.5.(g)** G.S. 130A-416 reads as rewritten:

**"§ 130A-416. Commission of ~~Anatomy~~for Public Health rules.**

The Commission of ~~Anatomy~~for Public Health is authorized to adopt rules necessary to implement the provisions of this Part."

**SECTION 1.5.(h)** G.S. 130A-418 reads as rewritten:

**"§ 130A-418. Deceased migrant agricultural workers and their dependents.**

...

(b) If the identity of the person cannot be determined within a reasonable period of time, or if the body is unclaimed 10 days after death, the body shall be offered to the Commission of Anatomy for Public Health and, upon its request, shall be delivered to the Commission of Anatomy for Public Health. If the Commission of Anatomy for Public Health does not request an unclaimed body offered it or the estate, and if the relatives or other interested persons claiming the body are unable to provide for the final disposition of the migrant agricultural worker or dependent, the Department is authorized and directed to arrange for the final disposition of the decedent.

..."

**SECTION 1.5.(i)** G.S. 143B-138.1 reads as rewritten:

**"§ 143B-138.1. Department of Health and Human Services – functions and organization.**

...

(d) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Environment, Health, and Natural Resources are transferred to and vested in the Department of Health and Human Services by a Type II transfer, as defined in G.S. 143A-6:

- (1) Commission for Public Health.
- (2) Council on Sickle Cell Syndrome.
- (3) Repealed by Session Laws 2011-266, s. 1.30(b), effective July 1, 2011.
- ~~(4) Commission of Anatomy.~~
- (5) Minority Health Advisory Council.
- (6) Advisory Committee on Cancer Coordination and Control.

..."

## **NORTH CAROLINA APPRENTICESHIP COUNCIL**

**SECTION 1.6.(a)** Chapter 94 of the General Statutes reads as rewritten:

**"Chapter 94.**

**"Apprenticeship.**

**"§ 94-1. Purpose.**

The purposes of this Chapter are: to open to young people the opportunity to obtain training that will equip them for profitable employment and citizenship; to set up, as a means to this end, a program of voluntary apprenticeship under approved apprentice agreements providing facilities for their training and guidance in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education; to promote employment opportunities for young people under conditions providing adequate training and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an Apprenticeship Council and apprenticeship committees and sponsors to assist in effectuating the purposes of this Chapter; to provide for a Director of Apprenticeship within the Department of Labor; to provide for reports to the legislature and to the public regarding the status of apprentice training in the State; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends.

**~~"§ 94-2. Apprenticeship Council.~~**

~~The Commissioner of Labor shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively and three representatives from the public at large. One State official designated by the Department of Public Instruction and one State official designated by the Department of Community Colleges shall be a member ex officio of said council, without vote. The terms of office of the members of the Apprenticeship Council first appointed by the Commissioner of Labor shall expire as designated by the Commissioner at the time of making the appointment: two representatives each of employers and employees, being appointed for one year and one representative of the~~

public at large being appointed for two years; and one representative each of employers, employees, and the public at large being appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the Council not otherwise compensated by public moneys, shall be reimbursed for transportation and shall receive such per diem compensation as is provided generally for boards and commissions under the biennial maintenance appropriation acts for each day spent in attendance at meetings of the Apprenticeship Council. The Commissioner of Labor shall annually appoint one member of the Council to act as its chairman.

The Apprenticeship Council shall meet at the call of the Commissioner of Labor and shall aid him in formulating policies for the effective administration of this Chapter. Subject to the approval of the Commissioner, the Apprenticeship Council shall establish standards for apprentice agreement which in no case shall be lower than those prescribed by this Chapter, shall issue such rules and regulations as may be necessary to carry out the intent and purposes of said Chapter, and shall perform such other functions as the Commissioner may direct. Not less than once a year the Apprenticeship Council shall make a report through the Commissioner of Labor of its activities and findings to the legislature and to the public.

**"§ 94-3. Director of Apprenticeship.**

The Commissioner of Labor is hereby directed to appoint a Director of Apprenticeship which appointment shall be subject to the confirmation of the State Apprenticeship Council by a majority vote. Apprenticeship. The Commissioner of Labor is further authorized to appoint and employ such clerical, technical, and professional help as shall be necessary to effectuate the purposes of this Chapter.

**"§ 94-5. Apprenticeship committees and program sponsors.**

(a) As used in this Chapter:

...

(5) "Apprenticeship committee" means those persons designated by the sponsor, and approved by the Apprenticeship Council, Commissioner of Labor to act for it in the administration of the apprenticeship program. A committee may be "joint," i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be "unilateral" or "nonjoint" which shall mean a program sponsor in which employees or a bona fide collective bargaining agent is not a party.

(b) An apprenticeship committee may be appointed by the Apprenticeship Council, Commissioner of Labor in any trade or group of trades in a city or trade area, whenever the apprentice training needs of such trade or group of trades justifies such establishment.

...

**"§ 94-6. Definition of an apprentice.**

The term "apprentice," as used herein, shall mean a person at least 16 years of age who is covered by a written apprenticeship agreement approved by the Apprenticeship Council, Commissioner of Labor, which apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous employment for such person for his participation in an approved schedule of work experience and for organized, related supplemental instruction in technical subjects related to the trade. A minimum of 144 hours of related supplemental instruction for each year of apprenticeship is recommended. The required hours for apprenticeship agreements and the recommended hours for related supplemental instruction

may be decreased or increased in accordance with standards adopted by the apprenticeship committee or sponsor, subject to approval of the Commissioner of Labor.

**"§ 94-7. Contents of agreement.**

Every apprentice agreement entered into under this Chapter shall contain:

...

- (8) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally ~~in accordance with G.S. 94-5~~ shall be submitted to the Director for determination.

..."

**SECTION 1.6.(b)** G.S. 143A-71 is repealed.

**NORTH CAROLINA ART SOCIETY, INC.**

**SECTION 1.7.(a)** Effective October 1, 2012, G.S. 105-275(41) is repealed.

**SECTION 1.7.(b)** Effective October 1, 2012, G.S. 135-27 reads as rewritten:

**"§ 135-27. Transfers from State to certain association service.**

...

(d) The governing board of any association or organization listed in subsection (a), in its discretion, may elect on or before July 1, 1983, by an appropriate resolution of said board, to cause the employees of such association or organization so employed prior to July 1, 1983, to become members of the Teachers' and State Employees' Retirement System. Such Retirement System coverage shall be conditioned on such association's or organization's paying all of the employer's contributions or matching funds from funds of the association or organization and on such board's collecting from its employees the employees' contributions at such rates as may be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive coverage of the employees of any such association or organization may also be effected to the extent that such board requests; provided, the association or organization shall pay all of the employer's contributions or matching funds necessary for such purposes; and, provided further, such association or organization shall collect from its employees all employees' contributions necessary for such purpose, computed at such rates and in such amount as the Board of Trustees of the Retirement System shall determine, all of such funds to be paid to the Retirement System, together with such interest as may be due, and placed in the appropriate funds. The provisions of this subsection shall be fully applicable to the North Carolina Symphony Society, Inc. and the North Carolina State Art Society, Inc.

..."

**SECTION 1.7.(c)** Effective October 1, 2012, Article 3 of Chapter 140 of the General Statutes, G.S. 143B-51(7), and Part 15 of Article 2 of Chapter 143B of the General Statutes are repealed.

**SECTION 1.7.(d)** Effective October 1, 2012, G.S. 143B-53, as amended by Section 1.4(c) of this act, reads as rewritten:

**"§ 143B-53. Organization of the Department.**

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., ~~the North Carolina State Art Society,~~ and the Division of the State Library, the Division of Archives and History, the Division of the

Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

#### **BEAVER DAMAGE CONTROL ADVISORY BOARD**

**SECTION 1.8.** G.S. 113-291.10 is repealed.

#### **CONSUMER AND ADVOCACY ADVISORY COMMITTEE FOR THE BLIND**

**SECTION 1.9.(a)** Part 9 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-163 and G.S. 143B-164, and G.S.143B-131.1(b)(5) are repealed.

**SECTION 1.9.(b)** G.S. 143B-157 reads as rewritten:

##### **"§ 143B-157. Commission for the Blind – creation, powers and duties.**

There is recreated the Commission for the Blind of the Department of Health and Human Services with the power and duty to adopt rules governing the conduct of the State's rehabilitative programs for the blind that are necessary to carry out the provisions and purposes of this Article.

...

(3h) The Commission shall make a continuing study of the entire range of problems and needs of the blind and visually impaired population of this State and make specific recommendations to the Secretary of Health and Human Services as to how these may be solved or alleviated through legislative action. The Commission shall examine national trends and programs of other states, as well as programs and priorities in North Carolina. Because of the cost of treating persons who lose their vision, the Commission's duties shall also include studying and making recommendations to the Secretary of Health and Human Services concerning methods of preventing blindness and restoring vision;

(3i) The Commission shall advise all State boards, commissions, agencies, divisions, departments, schools, corporations, or other State-administered associations or entities, including the secretary, director and members of said boards, commissions, agencies, divisions, departments, schools, et cetera, on the needs of the citizens of the State of North Carolina who are now or will become visually impaired;

(3j) The Commission shall also advise every State board, commission, agency, division, department, school, corporation, or other State-administered associations or entity concerning sight conservation programs that it supervises, administers or controls;

..."

#### **BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE**

**SECTION 1.10.** Sections 3 and 4 of S.L. 2003-404 Session Laws are repealed.

#### **NORTH CAROLINA BRAIN INJURY ADVISORY COUNCIL**

**SECTION 1.11.** Part 33 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.65 and G.S. 143B-216.66, is repealed.

#### **NORTH CAROLINA CAPITAL PLANNING COMMISSION**

**SECTION 1.12.** Part 3 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-373 and G.S. 143-143B-374, is repealed.

#### **NORTH CAROLINA CENTER FOR NURSING**



SECTION 1.13.(a) G.S. 90-171.71 reads as rewritten:

"§ 90-171.71. North Carolina Center for Nursing; governing board.Nursing.

~~(a) — The North Carolina Center for Nursing shall be governed by a policy setting board of directors. The Board shall consist of 16 members, with a simple majority of the Board being nurses representative of various practice areas. Other members shall include representatives of other health care professions, business and industry, health care providers, and consumers. The Board shall be appointed as follows:~~

~~(1) — Four members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, at least one of whom shall be a registered nurse and at least one other a representative of the hospital industry;~~

~~(2) — Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, at least one of whom shall be a registered nurse and at least one other a representative of the long-term care industry;~~

~~(3) — Four members appointed by the Governor, two of whom shall be registered nurses; and~~

~~(4) — Four nurse educators, one of whom shall be appointed by the Board of Governors of The University of North Carolina, one other by the State Board of Community Colleges, one other by the North Carolina Association of Independent Colleges and Universities, and one by the Area Health Education Centers Program.~~

~~(b) — The initial terms of the members shall be as follows:~~

~~(1) — Of the members appointed pursuant to subdivision (1) of subsection (a) of this section, two shall be appointed for terms expiring June 30, 1994, one for a term expiring June 30, 1993, and one for a term expiring June 30, 1992;~~

~~(2) — Of the members appointed pursuant to subdivision (2) of subsection (a) of this section, one shall be appointed for a term expiring June 30, 1994, two for terms expiring June 30, 1993, and one for a term expiring June 30, 1992;~~

~~(3) — Of the members appointed pursuant to subdivision (3) of subsection (a) of this section, one shall be appointed for a term expiring June 30, 1994, one for a term expiring June 30, 1993, and two for terms expiring June 30, 1992; and~~

~~(4) — Of the members appointed pursuant to subdivision (4) of subsection (a) of this section, the terms of the members appointed by the Board of Governors of The University of North Carolina and the State Board of Community Colleges shall expire June 30, 1994; the term of the member appointed by the North Carolina Association of Independent Colleges shall expire June 30, 1993; and the term of the member appointed by the Area Health Education Centers Program shall expire June 30, 1992.~~

~~After the initial appointments expire, the terms of all of the members shall be three years, with no member serving more than two consecutive terms.~~

~~(c) — The Board of Directors shall have the following powers and duties:~~

~~(1) — To employ the executive director;~~

~~(2) — To determine operational policy;~~

~~(3) — To elect a chairperson and officers, to serve two-year terms. The chairperson and officers may not succeed themselves;~~

~~(4) — To establish committees of the Board as needed;~~

~~(5) — To appoint a multidisciplinary advisory council for input and advice on policy matters;~~

~~(6) To implement the major functions of the Center for Nursing as established in the goals set out in subsection (a) of this section; and~~

~~(7) To seek and accept non State funds for carrying out Center policy.~~

~~(d) The Board shall receive the per diem and allowances prescribed by G.S. 138-5 for State boards and commissions.~~

~~(e) The North Carolina Center for Nursing shall be administered by The University of North Carolina through the Center's Board of Directors established under this section. Carolina."~~

**SECTION 1.13.(b)** G.S. 126-5 reads as rewritten:

**"§ 126-5. Employees subject to Chapter; exemptions.**

...

(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

~~(16) The executive director and one associate director of the North Carolina Center for Nursing established under Article 9F of Chapter 90 of the General Statutes.~~

..."

## **NORTH CAROLINA CHILD FATALITY TASK FORCE**

**SECTION 1.14.(a)** G.S. 7B-1402, G.S. 7B-1403, and G.S. 7B-1412 are repealed.

**SECTION 1.14.(b)** G.S. 7B-1401 reads as rewritten:

**"§ 7B-1401. Definitions.**

The following definitions apply in this Article:

(1) Additional Child Fatality. – Any death of a child that did not result from suspected abuse or neglect and about which no report of abuse or neglect had been made to the county department of social services within the previous 12 months.

(2) Local Team. – A Community Child Protection Team or a Child Fatality Prevention Team.

(3) State Team. – The North Carolina Child Fatality Prevention Team.

~~(4) Task Force. – The North Carolina Child Fatality Task Force.~~

(5) Team Coordinator. – The Child Fatality Prevention Team Coordinator."

**SECTION 1.14.(c)** G.S. 7B-1404 reads as rewritten:

**"§ 7B-1404. State Team – creation; membership; vacancies.**

(a) There is created the North Carolina Child Fatality Prevention Team within the Department of Health and Human Services for budgetary purposes only.

(b) The State Team shall be composed of the following 11 members of whom nine members are ex officio and two are appointed:

(1) The Chief Medical Examiner, who shall chair the State Team;

(2) The Attorney General;

(3) The Director of the Division of Social Services, Department of Health and Human Services;

(4) The Director of the State Bureau of Investigation;

(5) The Director of the Division of Maternal and Child Health of the Department of Health and Human Services;

(6) The Superintendent of Public Instruction;

(7) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services;

(8) The Director of the Administrative Office of the Courts;

- 1           (9) ~~The A~~ pediatrician appointed pursuant to G.S. 7B-1402(b) to the Task  
2           Force;by the Governor;  
3           (10) A public member, appointed by the Governor; and  
4           (11) The Team Coordinator.

5       The ex officio members other than the Chief Medical Examiner may designate a  
6       representative from their departments, divisions, or offices to represent them on the State Team.

7       (c) All members of the State Team are voting members. Vacancies in the appointed  
8       membership shall be filled by the appointing officer who made the initial appointment."

9       **SECTION 1.14.(d)** G.S. 7B-1405 reads as rewritten:

10      **"§ 7B-1405. State Team – duties.**

11      The State Team shall:

- 12           (1) Review current deaths of children when those deaths are attributed to child  
13           abuse or neglect or when the decedent was reported as an abused or  
14           neglected juvenile pursuant to G.S. 7B-301 at any time before death;  
15           (2) Report to the ~~Task Force during the existence of the Task Force, in the~~  
16           ~~format and at the time required by the Task Force,~~Department of Health and  
17           Human Services on the State Team's activities and its recommendations for  
18           changes to any law, rule, and policy that would promote the safety and  
19           well-being of children;  
20           (3) Upon request of a Local Team, provide technical assistance to the Team;  
21           (4) Periodically assess the operations of the multidisciplinary child fatality  
22           prevention system and make recommendations for changes as needed;  
23           (5) Work with the Team Coordinator to develop guidelines for selecting child  
24           deaths to receive detailed, multidisciplinary death reviews by Local Teams  
25           that review cases of additional child fatalities; and  
26           (6) Receive reports of findings and recommendations from Local Teams that  
27           review cases of additional child fatalities and work with the Team  
28           Coordinator to implement recommendations."

29      **SECTION 1.14.(e)** G.S. 7B-1413 reads as rewritten:

30      **"§ 7B-1413. Access to records.**

31      (a) ~~The State Team, Team and the Local Teams, and the Task Force during its~~  
32      ~~existence, Teams~~ shall have access to all medical records, hospital records, and records  
33      maintained by this State, any county, or any local agency as necessary to carry out the purposes  
34      of this Article, including police investigations data, medical examiner investigative data, health  
35      records, mental health records, and social services records. ~~The State Team, the Task~~  
36      ~~Force, Team~~ and the Local Teams shall not, as part of the reviews authorized under this Article,  
37      contact, question, or interview the child, the parent of the child, or any other family member of  
38      the child whose record is being reviewed. Any member of a Local Team may share, only in an  
39      official meeting of that Local Team, any information available to that member that the Local  
40      Team needs to carry out its duties.

41      ...

42      (c) All otherwise confidential information and records acquired by the ~~State Team,~~  
43      ~~Team and the Local Teams, and the Task Force during its existence, Teams~~ in the exercise of  
44      their duties are confidential; are not subject to discovery or introduction into evidence in any  
45      proceedings; and may only be disclosed as necessary to carry out the purposes of the State  
46      ~~Team, Team and the Local Teams, and the Task Force, Teams.~~ In addition, all otherwise  
47      confidential information and records created by a Local Team in the exercise of its duties are  
48      confidential; are not subject to discovery or introduction into evidence in any proceedings; and  
49      may only be disclosed as necessary to carry out the purposes of the Local Team. No member of

the State Team, a Local Team, nor any person who attends a meeting of the State Team or a Local Team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meetings. This subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.

..."

**SECTION 1.14.(e)** G.S. 7B-1414 reads as rewritten:

**"§ 7B-1414. Administration; funding.**

(a) To the extent of funds available, the ~~chairs of the Task Force and~~ State Team may hire staff or consultants to assist ~~the Task Force and~~ the State Team in completing their duties.

(b) Members, staff, and consultants of the ~~Task Force or~~ State Team shall receive travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the case may be, paid from funds appropriated to implement this Article and within the limits of those funds.

~~(c) With the approval of the Legislative Services Commission, legislative staff and space in the Legislative Building and the Legislative Office Building may be made available to the Task Force."~~

**SECTION 1.14.(f)** G.S. 7B-2902 reads as rewritten:

**"§ 7B-2902. Disclosure in child fatality or near fatality cases.**

(a) The following definitions apply in this section:

...

(2) Findings and information. – A written summary, as allowed by subsections (c) through (f) of this section, of actions taken or services rendered by a public agency following receipt of information that a child might be in need of protection. The written summary shall include any of the following information the agency is able to provide:

- a. The dates, outcomes, and results of any actions taken or services rendered.
- b. The results of any review by the State Child Fatality Prevention Team, a local child fatality prevention team, a local community child protection team, ~~the Child Fatality Task Force,~~ or any public agency.
- c. Confirmation of the receipt of all reports, accepted or not accepted by the county department of social services, for investigation of suspected child abuse, neglect, or maltreatment, including confirmation that investigations were conducted, the results of the investigations, a description of the conduct of the most recent investigation and the services rendered, and a statement of basis for the department's decision.

...

(f) Access to criminal investigative reports and criminal intelligence information of public law enforcement agencies and confidential information in the possession of the State Child Fatality Prevention Team, and the local ~~teams, and the Child Fatality Task Force,~~ teams shall be governed by G.S. 132-1.4 and G.S. 7B-1413 respectively. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

..."

**SECTION 1.14.(g)** This section becomes effective June 30, 2013.

**NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL**

**SECTION 1.15.(a)** G.S. 143B-432(c)(1), G.S. 143B-433(2)b., and Part 2A of Article 10 of Chapter 143B of the General Statutes, G.S. 143B-437.1 through G.S. 143B-437.3, are repealed.

## **CONTINUING EDUCATION ADVISORY COMMITTEE**

**SECTION 1.16.** G.S. 58-33-135 is repealed.

## **NORTH CAROLINA BOARD OF CORRECTION**

**SECTION 1.17.(a)** Subpart B of Article 13 of Chapter 143B of the General Statutes, G.S. 143B-715, is repealed.

**SECTION 1.17.(b)** 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 Division of Adult Probation and Parole, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973.

The Division shall establish a Substance Abuse Program. All substance abuse programs established or in existence shall be administered by the Division of Adult Correction of the Department of Public Safety under the Substance Abuse Program."

## **NORTH CAROLINA COURTS COMMISSION**

**SECTION 1.18.(a)** Article 40A of Chapter 7A of the General Statutes, G.S. 7A-506 through G.S. 7A-510, is repealed.

**SECTION 1.18.(b)** G.S. 15A-266.5 reads as rewritten:

**"§ 15A-266.5. Tests to be performed on DNA sample.**

...

(d) The Department of Justice, in consultation with the Administrative Office of the Courts and the Conference of District Attorneys, shall study, develop, and recommend an automated procedure to facilitate the process of expunging DNA samples and records taken pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on Governmental Operations, and the Joint Legislative Oversight Committee on Justice and Public Safety, ~~and the Courts Commission~~, on or before February 1, 2011."

## **GOVERNOR'S CRIME COMMISSION**

**SECTION 1.19.(a)** Subpart A of Part 6 of Article 13 of Chapter 143B of the General Statutes, G.S. 143B-1100 through G.S. 143B-1103, and G.S. 143A-244 are repealed.

**SECTION 1.19.(b)** G.S. 143B-600 reads as rewritten:

**"§ 143B-600. Organization.**

(a) There is established the Department of Public Safety. The head of the Department of Public Safety is the Secretary of Public Safety, who shall be known as the Secretary. The Department shall consist of six divisions and an Office of External Affairs as follows:

...

(6) The Division of Administration, the head of which shall be a deputy secretary responsible for all administrative functions, including fiscal, auditing, information technology, purchasing, human resources, training, engineering, and facility management functions for the Department. Within the Division, there is established a Grants Management Section, which shall consist of ~~the Governor's Crime Commission~~, the Criminal Justice

Partnership ~~Program, Program~~ and the Juvenile Crime Prevention Council Fund.

- (7) The Office of External Affairs, which shall be responsible for federal and State liaison activities, victim services, and public affairs.

..."

**SECTION 1.19.(c)** G.S. 143B-602 reads as rewritten:

**"§ 143B-602. Powers and duties of the Secretary of Public Safety.**

The Secretary of Public Safety shall have the powers and duties as are conferred on the Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the Secretary by the Constitution and laws of this State. These powers and duties include the following:

...

- (7) Reporting required prior to grant awards. – Prior to any notification of proposed grant awards to State agencies for use in pursuing the objectives of ~~the Governor's Crime Commission pursuant to~~ sub-subdivisions a. through g. of subdivision (8) of this section, the Secretary shall report to the Senate and House of Representatives Appropriations Committees for review of the proposed grant awards.

..."

**SECTION 1.19.(d)** G.S. 15A-1336 reads as rewritten:

**"§ 15A-1336. Compliance with criminal case firearm notification requirements of the federal Violence Against Women Act.**

The Administrative Office of the Courts, in cooperation with the North Carolina Coalition Against Domestic Violence ~~and the North Carolina Governor's Crime Commission, Violence,~~ shall develop a form to comply with the criminal case firearm notification requirements of the Violence Against Women Act of 2005."

**SECTION 1.19.(e)** The prefatory language in G.S. 164-42.1(a) reads as rewritten:

**"§ 164-42.1. Policy recommendations.**

(a) Using the studies of the Special Committee on ~~Prisons, the Governor's Crime Commission, Prisons~~ and other analyses, including testimony from representatives of the bodies that conducted the analyses, the Commission shall:"

**COMMITTEE ON DROPOUT PREVENTION**

**SECTION 1.20.** Article 6B of Chapter 115C of the General Statutes, G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.

**DROUGHT MANAGEMENT ADVISORY COUNCIL**

**SECTION 1.21.(a)** G.S. 143-355.1 is repealed.

**SECTION 1.21.(b)** G.S. 143-355.2 reads as rewritten:

**"§ 143-355.2. Water conservation measures for drought.**

...

(e) For purposes of this section, the drought designation for an area shall be the U.S. Drought Monitor designation for the county in which the water source is ~~located as published by the Drought Management Advisory Council located.~~ The Secretary may approve a county drought designation that is different from the U.S. Drought ~~Monitor designation pursuant to~~ G.S. 143-355.1(f1). Monitor. If the water source is located in more than one county and the counties have different drought designations, the ~~Council shall recommend to the~~ Secretary may apply the drought designation to be applied to water systems that withdraw water from the water source. ~~The recommendation of the Council shall be based on the drought indicators identified in G.S. 143-355.1(f) as applied to the water source.~~

1       ..."

2  
3       **EDENTON HISTORICAL COMMISSION**

4               **SECTION 1.22.(a)** Part 19 of Article 2 of Chapter 143B of the General Statutes,  
5 G.S. 143B-95 through G.S. 143B-98, is repealed.

6               **SECTION 1.22.(b)** G.S. 143B-51(b)(24) is repealed.

7  
8       **SECRETARY OF STATE'S ADVISORY COUNCIL ON ELECTRONIC NOTARY**  
9 **STANDARDS**

10              **SECTION 1.23.** The Secretary of State shall abolish the Advisory Council on  
11 Electronic Notary Standards no later than 30 days after the effective date of this act.

12  
13       **ELECTRONIC RECORDING COUNCIL**

14              **SECTION 1.24.** G.S. 47-16.5 reads as rewritten:

15       **"§ 47-16.5. Administration and standards.**

16              (a) Standard-Setting Agency. – The Secretary of State shall adopt standards to  
17 implement this Article ~~upon recommendation of the Electronic Recording Council. The~~  
18 ~~Secretary of State may direct the Council to revise any portion of the recommended standards~~  
19 ~~the Secretary deems inadequate or inappropriate.~~ Article. Technological standards and  
20 specifications adopted by the Secretary of State to implement this Article are engineering  
21 standards for the purposes of G.S. 150B-2(8a)h.

22              ~~(b) Electronic Recording Council Created. – The Electronic Recording Council is~~  
23 ~~created in the Department of the Secretary of State to advise and assist the Secretary of State in~~  
24 ~~the adoption of standards to implement this Article. The Council shall review the functions~~  
25 ~~listed in G.S. 47-16.4 and shall formulate and recommend to the Secretary standards for~~  
26 ~~recording electronic documents and implementing the other functions listed in G.S. 47-16.4.~~  
27 ~~The Council shall report its findings and recommendations to the Secretary of State at least~~  
28 ~~once each calendar year. The Council shall advise the Secretary of State on a continuing basis~~  
29 ~~of the need to adopt, amend, revise, or repeal standards. The Council may advise the Secretary~~  
30 ~~of State on any other matter the Secretary refers to the Council.~~

31              ~~(c) Council Membership, Terms, and Vacancies. – The Council shall consist of 13~~  
32 ~~members as follows:~~

33                      ~~(1) Seven members appointed by the North Carolina Association of Registers of~~  
34 ~~Deeds. It is the intent of the General Assembly that the North Carolina~~  
35 ~~Association of Registers of Deeds shall appoint as members a representative~~  
36 ~~selection of registers of deeds from large, medium, and small counties, urban~~  
37 ~~and rural counties, and the different geographic areas of this State.~~

38                      ~~(2) One member appointed by the North Carolina Bar Association.~~

39                      ~~(3) One member appointed by the North Carolina Society of Land Surveyors.~~

40                      ~~(4) One member appointed by the North Carolina Bankers Association.~~

41                      ~~(5) One member appointed by the North Carolina Land Title Association.~~

42                      ~~(6) One member appointed by the North Carolina Association of Assessing~~  
43 ~~Officers.~~

44                      ~~(7) The Secretary of Cultural Resources or the Secretary's designee.~~

45       ~~In making appointments to the Council, each appointing authority shall select appointees~~  
46 ~~with the ability and commitment to fulfill the purposes of the Council.~~

47       ~~Appointed members shall serve four year terms, except that the initial appointments by the~~  
48 ~~North Carolina Bar Association, the North Carolina Bankers Association, the North Carolina~~  
49 ~~Association of Assessing Officers, and three of the initial appointments by the North Carolina~~  
50 ~~Association of Registers of Deeds shall be for two years. All initial terms shall commence on~~

1 the effective date of this Article. Members shall serve until their successors are appointed. An  
2 appointing authority may reappoint a member for successive terms. A vacancy on the Council  
3 shall be filled in the same manner in which the original appointment was made, and the term  
4 shall be for the balance of the unexpired term.

5 (d) ~~Council Meetings and Officers.~~ The Secretary of State shall call the first meeting  
6 of the Council. At the first meeting and biennially thereafter, the Council shall elect from its  
7 membership a chair and a vice chair to serve two year terms. Meetings may be called by the  
8 chair, the vice chair, or the Secretary of State. Meetings shall be held as often as necessary, but  
9 at least once a year.

10 (e) ~~Council Compensation.~~ None of the members of the Council shall receive  
11 compensation for serving on the Council, but Council members shall receive per diem,  
12 subsistence, and travel expenses in accordance with G.S. 138-5 and G.S. 138-6, as applicable.

13 (f) ~~Staff and Other Assistance.~~ As soon as practicable and as needed thereafter, the  
14 Council shall identify the information technology expertise it needs and report its needs to the  
15 Secretary of State. The Council shall also report any other expertise needed to fulfill its  
16 responsibilities. The Secretary of State shall provide professional and clerical staff and other  
17 services and supplies, including meeting space, as needed for the Council to carry out its duties  
18 in an effective manner. The Secretary of State may appoint additional committees to advise and  
19 assist the Council in its work.

20 The Council shall consult with the North Carolina Local Government Information Systems  
21 Association, and may consult with any other person the Council deems appropriate, to advise  
22 and assist the Council in its work.

23 (g) Uniformity of Standards. – To keep the standards and practices of registers of deeds  
24 in this State in harmony with the standards and practices of recording offices in other  
25 jurisdictions that enact substantially this Article and to keep the technology used by registers of  
26 deeds in this State compatible with technology used by recording offices in other jurisdictions  
27 that enact substantially this Article, the Secretary of State ~~and the Council~~ shall consider all of  
28 the following in carrying out their responsibilities under this Article, so far as is consistent with  
29 its purposes, policies, and provisions:

- 30 (1) Standards and practices of other jurisdictions.
- 31 (2) The most recent standards adopted by national standard-setting bodies, such  
32 as the Property Records Industry Association.
- 33 (3) The views of interested persons and other governmental officials and  
34 entities.
- 35 (4) The needs of counties of varying size, population, and resources.
- 36 (5) Standards requiring adequate information security protection to ensure that  
37 electronic documents are accurate, authentic, adequately preserved, and  
38 resistant to tampering."

## 40 EMPLOYMENT SECURITY ADVISORY COUNCILS

41 **SECTION 1.25.** G.S. 96-4 reads as rewritten:

42 **"§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.**

43 ...  
44 (g) ~~Advisory Councils.~~ The State Advisory Council shall be composed of the  
45 Assistant Secretary and 15 persons representing employers, employees, and the general public,  
46 to be appointed as follows:

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



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

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

..."

## **NORTH CAROLINA FARMWORKER COUNCIL**

**SECTION 1.26.** Part 26 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.25 and G.S. 143B-426.26, is repealed.

## **JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE**

**SECTION 1.27.** Part 32 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.60, is repealed.

## **NORTH CAROLINA HOUSING PARTNERSHIP**

**SECTION 1.28.(a)** G.S. 122E-2 reads as rewritten:

### **"§ 122E-2. Definitions.**

As used in this Chapter:

...

(2) — ~~The term "Partnership" means the North Carolina Housing Partnership.~~

..."

**SECTION 1.28.(b)** G.S. 122E-4 is repealed.

**SECTION 1.28.(c)** G.S. 122E-5 reads as rewritten:

### **"§ 122E-5. Administration.**

(a) The North Carolina Housing Finance Agency shall administer the Fund in accordance with the policies, rules and regulations promulgated by the ~~Partnership Agency~~.

(b) The Agency's responsibilities shall include:

- (1) The Management of the overall program for the use of the fund;
- (2) Development of program ~~design in accordance with policies established by the Partnership; design;~~
- (3) Development and management of a selection system ~~in accordance with policies established by the Partnership; system;~~
- (4) Provision of technical assistance to prospective applicants; and

(5) Monitoring of projects to ensure compliance with applicable State and federal laws and regulations and relevant court decisions.

(6) The Agency shall promulgate rules and regulations governing the administration of the Fund and its overall program for use of the Fund in accordance with the policies, rules and regulations promulgated by the Partnership Fund.

..."

**SECTION 1.28.(d)** G.S. 122E-6 reads as rewritten:

**"§ 122E-6. Uses of funds.**

Funds from the Fund shall be used to increase the supply of decent, affordable and energy-efficient housing for low, very low, and moderate income residents of the State as defined in G.S. 122E-2. Such funds shall be used to finance, in whole or in part, projects and activities eligible under this section. The Agency shall make available loans, grants, interest reduction payments, or other comparable forms of assistance to eligible applicants. Provided, however, that with regard to those funds of the Fund which are Stripper Well Litigation Funds or Diamond Shamrock Funds, grants shall be from both the principal and income generated by the principal of such Funds so that all such Funds will be expended within a reasonable period of time. Provided, further, that with regard to that portion of the Fund which is derived from the appropriation of State funds, the amount of grants to be made in any fiscal year shall be limited to the amount of income generated by the principal of that portion of the Fund.

(a) Beneficiaries.

(1) The Partnership Agency shall ensure that the Agency's program for uses of monies from the Fund directly benefit low, very low and moderate income persons and families as set forth in subsections (2), (3), and (4) below.

(2) The Partnership Agency shall ensure that at least thirty percent (30%) of the total funds from the Fund eligible for expenditure by the Agency in any fiscal year directly benefit persons and families whose incomes do not exceed thirty percent (30%) of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development.

(3) The Partnership Agency shall be authorized to allocate up to thirty percent (30%) of the total funds from the Fund for the benefit of persons and families whose incomes do not exceed fifty percent (50%) of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development; provided, however, these funds may also be directed for the benefit of the persons and families defined in subsection (2).

(4) The Partnership Agency shall ensure that no more than forty percent (40%) of the total funds from the fund eligible for expenditure by the Agency in any fiscal year directly benefit persons and families whose incomes do not exceed eighty percent (80%) of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development.

(b) Eligible Projects.

...

(2) Projects which provide for the construction or rehabilitation of rental projects must contain contractual guarantees to ensure that at least twenty percent (20%) of the units are occupied by persons and families defined in G.S. 122E-6(a) (2) and (3) for a period of time following the award of grants or loan funds from the Fund, said period to be not less than 10 years, and

shall be established by the rules and regulations promulgated by the Partnership and are affordable housing units as defined in ~~G.S. 122E-2(9)~~.  
G.S. 122E-2(6).

...  
(d) Eligible Uses for Stripper Well Litigation Funds and Diamond Shamrock Litigation Funds.

...  
(2) Eligible uses for the Diamond Shamrock Litigation funds shall be those uses permitted under Exhibit B to the Order of the Court, dated June 6, 1986, including but ~~no~~ not limited to those residential energy-related uses which are identified in Attachment C to Exhibit B to said Order."

**SECTION 1.28.(e)** G.S. 122E-7 reads as rewritten:

**"§ 122E-7. Eligible applicants.**

Eligible applicants shall include units of State and local governments including municipal corporations, for profit and nonprofit housing developers. Provided, however, that the ~~Partnership's~~ Agency's rules and regulations shall ensure an equitable distribution of Fund funds based upon population and low and moderate income housing needs across the State."

**SECTION 1.28.(f)** G.S. 122E-8 read as rewritten:

**"§ 122E-8. Allocation of funds.**

(a) Monies within the Fund shall be allocated to eligible applicants under this Chapter by the Agency, in accordance with funding cycles established at least annually. The ~~Partnership~~ Agency shall establish rules and regulations with full public input, including at least one public hearing for which adequate notice is provided in a timely manner. These rules and regulations shall establish general policies governing the eligibility of applicants, application procedures, project eligibility requirements, and the criteria and standards for awarding grants and loans. Such rules and regulations shall be adopted within 270 days from the effective date of this Chapter.

..."

**SECTION 1.28.(g)** G.S. 122A-5 reads as rewritten:

**"§ 122A-5. General powers.**

The Agency shall have all of the powers necessary or convenient to carry out the provisions of this Chapter, including the power:

...

(24a) To promote the development of a coordinated State low income housing plan;

(24b) To obtain necessary information from other State agencies concerning housing;

..."

**SECTION 1.28.(h)** G.S. 120-123(34b) is repealed.

**COMMITTEE ON INAUGURAL CEREMONIES**

**SECTION 1.29.** Article 58 of Chapter 143 of the General Statutes, G.S. 143-532 through G.S. 143-539, is repealed.

**INTERAGENCY COORDINATING COUNCIL OF CHILDREN FROM BIRTH TO FIVE WITH DISABILITIES AND THEIR FAMILIES**

**SECTION 1.30.(a)** Part 13A of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-179.5 and G.S. 143B-179.6, is repealed.

**SECTION 1.30.(b)** G.S. 143B-139.6A reads as rewritten:

**"§ 143B-139.6A. Secretary's responsibilities regarding availability of early intervention services.**

The Secretary of the Department of Health and Human Services shall ensure, in cooperation with other appropriate agencies, that all types of early intervention services specified in the "Individuals with Disabilities Education Act" (IDEA), P.L. 102-119, the federal early intervention legislation, are available to all eligible infants and toddlers and their families to the extent funded by the General Assembly.

The Secretary shall coordinate and facilitate the development and administration of the early intervention system for eligible infants and toddlers and shall assign among the cooperating agencies the responsibility, including financial responsibility, for services. ~~The Secretary shall be advised by the Interagency Coordinating Council for Children from Birth to Five with Disabilities and Their Families, established by G.S. 143B-179.5, and may enter into formal interagency agreements to establish the collaborative relationships with the Department of Public Instruction, other appropriate agencies, and other public and private service providers necessary to administer the system and deliver the services.~~

The Secretary shall adopt rules to implement the early intervention system, in consultation with all other appropriate agencies."

**GOVERNOR'S MANAGEMENT COUNCIL**

**SECTION 1.31.** Part 24 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.22, is repealed.

**LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE**

**SECTION 1.32.(a)** Article 25A of Chapter 120 of the General Statutes, G.S. 120-226, is repealed.

**SECTION 1.32.(b)** G.S. 90-113.64 reads as rewritten:  
**"§ 90-113.64. SBI annual report.**

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

**SECTION 1.32.(c)** G.S. 114-19.01 reads as rewritten:

**"§ 114-19.01. Study and report on use of pseudoephedrine products to make methamphetamine.**

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

**MINE SAFETY AND HEALTH ADVISORY COUNCIL**

**SECTION 1.33.** G.S. 74-24.2(2) and G.S. 74-24.6 are repealed.

**MOTOR VEHICLE DEALER'S ADVISORY BOARD**

**SECTION 1.34.(a)** G.S. 20-305.4 is repealed.

**SECTION 1.34.(b)** G.S. 20-305.5 reads as rewritten:

**"§ 20-305.5. Sections 20-305, subdivisions (4) through (28), and 20-305.1 to 20-305.420-305.3 not applicable to certain manufacturers and dealers.**

The provisions of G.S. 20-305(4) through G.S. 20-305(28) and 20-305.1 to 20-305.420-305.3 shall not apply to manufacturers of, or dealers in, mobile or manufactured type housing or recreational trailers."

**MOUNTAIN AREA RESOURCES TECHNICAL ADVISORY COUNCIL**

**SECTION 1.35.** G.S. 153B-4 is repealed.

**MOUNTAIN RESOURCES COMMISSION**

**SECTION 1.36.** G.S. 153B-1 through G.S. 153B-3 are repealed.

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

**SECTION 1.37.(a)** G.S. 143B-426.8 reads as rewritten:

**"§ 143B-426.8. Definitions.**

As used in this Part, except where the context clearly requires otherwise:

...

(2)—"Board" means the Board of Public Telecommunications Commissioners.

..."

**SECTION 1.37.(b)** G.S. 143B-426.9 reads as rewritten:

**§ 143B-426.9. North Carolina Agency for Public Telecommunications—Creation; membership; appointments, terms and vacancies; officers; meetings and quorum; compensation. Telecommunications.**

The North Carolina Agency for Public Telecommunications is created. ~~It is governed by the Board of Public Telecommunications Commissioners, composed of 26 members as follows:~~

(1)—~~A Chairman appointed by, and serving at the pleasure of, the Governor;~~

(2)—~~Ten at large members, appointed by the Governor from the general public;~~

(3)—~~Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;~~

(4)—~~Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;~~

(5)—~~The Secretary of Administration, ex officio;~~

(6)—~~The Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;~~

(7)—~~The Chairman of the State Board of Education, ex officio;~~

(8)—~~The Chairman of the OPEN/net Committee, ex officio, so long as such person is not a State employee;~~

(9)—~~The Chairman of the North Carolina Utilities Commission, ex officio;~~

(10)—~~The Director of the Public Staff of the North Carolina Utilities Commission, ex officio;~~

(11)—~~Repealed by Session Laws 2011-266, s. 1.13(b), effective July 1, 2011.~~

(12)—~~The Superintendent of Public Instruction, ex officio;~~

(13)—~~The President of the University of North Carolina, ex officio;~~

(14)—~~The President of the Community Colleges System, ex officio; and~~

~~(15) Two members ex officio who shall rotate from among the remaining heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by the Governor.~~

~~The 10 at large members shall serve for terms staggered as follows: four terms shall expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and until their successors are appointed and qualified. In making appointments of members at large, the Governor shall seek to appoint persons from the various geographic areas of the State including both urban and rural areas; persons from various classifications as to sex, race, age, and handicapped persons; and persons who are representatives of the public broadcast, commercial broadcast, nonbroadcast distributive systems and private education communities of the State.~~

~~The terms of the ex officio members are coterminous with their respective terms of office. In the event that any of the offices represented on the Board ceases to exist, the successor officer to the designated member shall become an ex officio member of the Board; if there shall be no successor, then the position on the Board shall be filled by a member to be appointed by the Governor from the general public. The ex officio members shall have the right to vote.~~

~~The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years.~~

~~The terms of the rotating ex officio members shall be of one-year duration, and the schedule of rotation is determined by the Governor.~~

~~Each State official who serves on the Board may designate a representative of his department, agency or institution to sit in his place on the Board and to exercise fully the official's privileges of membership.~~

~~The Secretary of Administration or his designee serves as secretary of the Board.~~

~~Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the original appointment.~~

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

~~The Board meets quarterly and at other times at the call of the chairman or upon written request of at least six members.~~

~~A majority of the Board members shall constitute a quorum for the transaction of business."~~

**SECTION 1.37.(c)** G.S. 143B-426.11 reads as rewritten:

**"§ 143B-426.11. Powers of Agency.**

In order to enable it to carry out the purposes of this Part, the Agency:

...

(3) May rent, lease, buy, own, acquire, mortgage, or otherwise encumber and dispose of such property, real or personal; and construct, maintain, equip and operate any facilities, buildings, studios, equipment, materials, supplies and systems as ~~said Board~~ may deem proper to carry out the purposes and provisions of this Part;

(4) May establish an office for the transaction of its business at such place or places ~~as the Board deems advisable or necessary~~ in carrying out the purposes of this Part;

...

(7) Under such conditions ~~as the Board may deem~~ appropriate to the accomplishment of the purposes of this Part, may distribute in the form of grants, gifts, or loans any of the revenues and earnings received by the Agency from its operations;

(8) May adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be exercised, and may provide for the creation of such divisions and for the appointment of such committees, and the functions thereof, as the Board deems necessary or expedient in facilitating the business and purposes of the Agency;

~~(9) The Board shall be responsible for all management functions of the Agency. The chairman shall serve as the chief executive officer, and shall have the responsibility of executing the policies of the Board. The Executive Director shall be the chief operating and administrative officer and shall be responsible for carrying out the decisions made by the Board and its chairman. The Executive Director shall be appointed by the Governor upon the recommendation of the Board and shall serve at the pleasure of the Governor. The salary of the Executive Director shall be fixed by the General Assembly in the Current Operations Appropriations Act. Subject to the provisions of the State Personnel Act and with the approval of the Board, the Executive Director may appoint, employ, dismiss and fix the compensation of such professional, administrative, clerical and other employees as the Board deems necessary to carry out the purposes of this Part; but any employee who serves as the director of any division of the Agency which may be established by the Board shall be appointed with the additional approval of the Secretary of Administration. There shall be an executive committee consisting of three of the appointed members and three of the ex officio members elected by the Board and the chairman of the Board, who shall serve as chairman of the executive committee. The executive committee may do all acts which are authorized by the bylaws of the Agency. Members of the executive committee shall serve until their successors are elected;~~

..."

**SECTION 1.37.(d)** G.S. 120-123(4) is repealed.

## **BOARD OF DIRECTORS CERTIFICATION ENTITY FOR PHASE II SETTLEMENT FUND CERTIFICATION BOARD**

**SECTION 1.38.** Board of Directors Certification Entity for Phase II Settlement Fund Certification Board, established pursuant to S.L. 1999-333, is abolished.

## **NORTH CAROLINA SMALL BUSINESS CONTRACTOR AUTHORITY**

**SECTION 1.39.(a)** G.S. 143B-472.102 is repealed.

**SECTION 1.39.(b)** G.S. 143B-472.101 reads as rewritten:

### **"§ 143B-472.101. Definitions.**

The following definitions apply in this Part:

~~(1) Authority. The North Carolina Small Business Contractor Authority created in this Part.~~

...

(3a) Department. – The Department of Commerce.

..."

**SECTION 1.39.(c)** G.S. 143B-472.103 reads as rewritten:

### **"§ 143B-472.103. Eligibility.**

To qualify for assistance under this Part, an applicant must meet all of the following requirements:

1 ...  
2 (4) The applicant must demonstrate to the satisfaction of the  
3 ~~Authority~~Department that it has been unable to obtain adequate financing or  
4 bonding on reasonable terms through an authorized company. If the  
5 applicant is applying for a guarantee of a loan, the applicant must have  
6 applied for and been denied a loan by a financial institution."

7 **SECTION 1.39.(d)** G.S. 143B-472.104 reads as written:

8 **"§ 143B-472.104. Small Business Contract Financing Fund.**

9 (a) Creation and Use. – The Small Business Contract Financing Fund is created as a  
10 special revenue fund. Revenue in the Fund does not revert at the end of a fiscal year, and  
11 interest and other investment income earned by the Fund accrues to the Fund. The  
12 ~~Authority~~Department shall use the Fund to make direct loans and guaranty payments required  
13 by defaults and to pay the portion of the administrative expenses of the ~~Authority~~Department  
14 related to making these loans and payments.

15 (b) Content. – The Small Business Contract Financing Fund consists of all of the  
16 following revenue:

- 17 (1) Funds appropriated to the Fund by the State.
- 18 (2) Repayments of principal of and interest on direct loans.
- 19 (3) Premiums, fees, and any other amounts received by the  
20 ~~Authority~~Department with respect to financial assistance provided by the  
21 ~~Authority~~.
- 22 (4) Proceeds designated by the ~~Authority~~Department from the sale, lease, or  
23 other disposition of property or contracts held or acquired by the  
24 ~~Authority~~Department.
- 25 (5) Investment income of the Fund.
- 26 (6) Any other moneys made available to the Fund."

27 **SECTION 1.39.(e)** G.S. 143B-472.105 reads as rewritten:

28 **"§ 143B-472.105. Contract performance assistance authorized.**

29 (a) Type. – The ~~Authority~~ is authorized to provide the following contract performance  
30 assistance:

- 31 (1) A guarantee of a loan made to the applicant.
- 32 (2) If the applicant demonstrates to the satisfaction of the ~~Authority~~Department  
33 that it is unable to obtain money from any other source, a loan to the  
34 applicant.

35 (b) Qualification. – The ~~Authority~~Department shall not lend money to an applicant or  
36 guarantee a loan unless all of the following requirements are met:

- 37 (1) The applicant meets the requirements of G.S. 143B-472.78.
- 38 (2) The loan is to be used to perform an identified contract, of which the  
39 majority of funding is provided by a government agency or a combination of  
40 government agencies.
- 41 (3) The loan is to be used for working capital or equipment needed to perform  
42 the contract, the cost of which can be repaid from contract proceeds, if the  
43 ~~Authority~~ has entered into an agreement with the applicant necessary to  
44 secure the loan or guaranty.

45 (c) Terms and Conditions. – The ~~Authority~~Department shall set the terms and  
46 conditions for loans and for the guarantee of loans. When the ~~Authority~~Department lends  
47 money from the Small Business Contract Financing Fund, it shall prepare loan documents that  
48 include all of the following:

- 49 (1) The rate of interest on the loan, which shall not exceed any applicable  
50 statutory limit for a loan of the same type.



- (2) A payment schedule that provides money to the applicant in the amounts and at the times that the applicant needs the money to perform the contract for which the loan is made.
- (3) A requirement that, before each advance of money is released to the applicant, the applicant and the AuthorityDepartment must cosign the request for the money.
- (4) Provisions for repayment of the loan.
- (5) Any other provision the AuthorityDepartment considers necessary to secure the loan, including an assignment of, or a lien on, payment under the contract, if allowable.
- (d) Maturity. – A loan made by the AuthorityDepartment shall mature not later than the date the applicant is to receive full payment under the identified contract, unless the AuthorityDepartment determines that a later maturity date is required to fulfill the purposes of this Part.
- (e) Diversity. – In selecting applicants for assistance, the AuthorityDepartment must consider the need to serve all geographic and political areas and subdivisions of the State.
- (f) Limitation. – The total amount of loan guarantees and loans issued to each recipient during a fiscal year shall not exceed fifteen percent (15%) of the amount of money in the Fund as of the beginning of that fiscal year."

#### **NORTH CAROLINA SUSTAINABLE COMMUNITIES TASK FORCE**

**SECTION 1.40.(a)** Part 31 of Article 7 of Chapter 143, G.S. 143B-344.34 through G.S. 143-344.38, is repealed.

**SECTION 1.40.(b)** G.S. 120-123(79) is repealed.

#### **NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL**

**SECTION 1.41.** Article 70 of Chapter 106 of the General Statutes, G.S. 106-830 through G.S. 106-833, is repealed.

#### **JOINT LEGISLATIVE COMMISSION ON THE DEPARTMENT OF TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES PROGRAM**

**SECTION 1.42.** Article 32 of Chapter 120 of the General Statutes, G.S. 120-275 through G.S. 279, is repealed.

#### **NORTH CAROLINA TRAVEL AND TOURISM BOARD**

**SECTION 1.43.** G.S. 143B-434(a)(4) and G.S. 143B-434.1 are repealed.

#### **ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS**

**SECTION 1.44.** For the following State boards, committees, and commissions where statutory requirements have been met, these bodies are no longer authorized to meet, provide recommendations, or operate in any capacity:

- (1) Legislative Task Force on Childhood Obesity, established pursuant to Part XLIX of S.L. 2009-574, as amended by Section 26 of S.L. 2010-152.
- (2) Commission to Study the Governance and Adequacy of the Investment Authority of Various State-Owned Funds for the Purposes of Enhancing the Return on Investments, established pursuant to Part XLVII of S.L. 2009-574, as amended by S.L. 2010-152, s. 23.

- (3) "More at Four" Pre-K Task Force, established pursuant to Section 10.40(b) of S.L. 2003-284, as amended by Section 10.38 of S.L. 2004-124.
- (4) National Heritage Area Designation Commission, established pursuant to Part 18 of S.L. 2001-491.
- (5) Pilot Accreditation Advisory Board, established pursuant to Section 10.28B of S.L. 2004-124.
- (6) Public Funding Council of State Elections Commission, established pursuant to Section 26 of S.L. 2010-169.
- (7) Legislative Commission on Global Climate Change, established pursuant to Section 11 of S.L. 2005-442, as amended by S.L. 2006-73, S.L. 2008-81, and S.L. 2009-306.

**SECTION 1.45.** Except as otherwise provided, this Part becomes effective June 30, 2012.

## **PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS**

### **SUBPART A. ADVISORY BOARDS**

#### **NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING BOARD OF TRUSTEES (NCCAT)**

**SECTION 2.1.** Effective July 1, 2012, G.S. 115C-296.6 reads as rewritten:

**"§ 115C-296.6. Composition of board of trustees; terms; officers.**

(a) The NCCAT Board of Trustees shall be composed of the following membership:

- (1) ~~Two ex officio members: the Chairman of the State Board of Education and the~~The State Superintendent of Public Instruction or their designees; his or her designee shall serve ex officio;
- (2) ~~Two members~~One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate;
- (3) ~~Two members~~One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives; and
- (4) Eight members appointed by the Governor, one from each of the eight educational regions.

The appointing authorities shall give consideration to assuring, through Board membership, the statewide mission of NCCAT.

..."

#### **NORTH CAROLINA ARTS COUNCIL**

**SECTION 2.2.** Effective July 1, 2012, G.S. 143B-88 reads as rewritten:

**"§ 143B-88. North Carolina Arts Council – members; selection; quorum; compensation.**

The North Carolina Arts Council shall consist of ~~24~~12 members appointed by the Governor. The initial members of the Council shall ~~be the appointed members of the present Arts Council who shall serve for a period equal to the remainder of their current terms on the Arts Council, eight of whose~~consist of four whose terms expire June 30, 1973, eight June 30, 2014, four of whose terms expire June 30, 1974, June 30, 2015, and eight four of whose terms expire June 30, 1975, June 30, 2016. At the end of the respective terms of office of the initial members, the appointments of their successors shall be for terms of three years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

~~The Governor-Council shall designate a member of the Council as chairman to serve at his pleasure-chair.~~

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the Council shall be supplied by the Secretary of Cultural Resources."

## COASTAL RESOURCES ADVISORY COUNCIL

SECTION 2.3. Effective July1, 2012, G.S. 113A-105 reads as rewritten:

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

...

(b) The Coastal Resources Advisory Council shall consist of not more than ~~45~~24 members appointed or designated as follows:

(1) ~~Two individuals~~Three members designated by the Secretary from among the employees of the ~~Department~~Department, consisting of one each from the Division of Marine Fisheries, the Division of Water Quality, and the Division of Water Resources;

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

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

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

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

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

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

~~(7) One member from each of the four multi-county planning districts of the coastal area to be appointed by the lead regional agency of each district;~~

(8) ~~One representative~~Ten representatives chosen from each of the counties in the coastal area to be ~~designated~~nominated by the respective boards of county ~~commissioners;~~commissioners and chosen by the Commission;

(9) ~~No more than eight additional~~Six members shall be representative of cities in the coastal area nominated by the cities in the coastal area and ~~to be designated~~chosen by the Commission;

(10) ~~Three~~Two members selected by the Commission who are marine scientists or technologists;

~~(11) One member who is a local health director selected by the Commission upon the recommendation of the Secretary.~~

...

(e) ~~Chairman-Chair and Vice-Chairman-Vice-Chair~~ - A ~~chairman-chair and vice-chairman~~vice-chair shall be elected annually by the Council.

..."

**NORTH CAROLINA COUNCIL FOR THE DEAF AND HARD OF HEARING**

**SECTION 2.4.** Effective July 1, 2012, G.S. 143B-216.32 reads as rewritten:

**"§ 143B-216.32. Council for the Deaf and the Hard of Hearing – membership; quorum; compensation.**

(a) The Council for the Deaf and the Hard of Hearing shall consist of ~~28 members. Twenty members shall be~~ 19 members appointed by the Governor. Three members appointed by the Governor shall be persons who are deaf and three members shall be persons who are hard of hearing. One appointment shall be an educator who trains deaf education ~~teachers and teachers, one appointment shall be a deaf education teacher, one appointment shall be a~~ licensed physician whose primary specialty is providing treatment to patients that are deaf or hard of hearing, one appointment shall be an audiologist licensed under Article 22 of Chapter 90 of the General Statutes. Three appointments shall be parents of deaf or hard of hearing children including one parent of a student in a residential school; one parent of a student in a preschool program; and one parent of a student in a mainstream education program, with at least one parent coming from each region of the North Carolina schools for the deaf regions. One member appointed by the Governor shall be recommended by the President of the North Carolina Association of the Deaf; one member shall be recommended by the President of the North Carolina Deaf-Blind Associates; one member shall be recommended by the North Carolina Chapter of Self Help for the Hard of Hearing (SHHH); one member shall be recommended by the North Carolina Black Deaf Advocates (NCBDA); ~~one member shall be a representative from a facility that performs cochlear implants; one member shall be recommended by the President of the North Carolina Pediatric Society; one member shall be recommended by the President of the North Carolina Registry of Interpreters for the Deaf; one member shall be recommended by a local education agency; and one member shall be recommended by the Superintendent of Public Instruction. Two members shall be appointed from the House of Representatives by the Speaker of the House of Representatives and two members shall be appointed from the Senate by the President Pro Tempore of the Senate. The Secretary of Health and Human Services shall appoint four members as follows: one from the Division of Vocational Rehabilitation, one from the Division of Aging, one from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and one from the Division of Social Services-Deaf.~~

(b) ~~The terms of the initial members of the Council shall commence July 1, 1989. In his initial appointments, the Governor shall designate four members who shall serve terms of five years, four who shall serve terms of four years, four who shall serve terms of three years, and three who shall serve terms of two years. After the initial appointees' terms have expired, all members shall be appointed for a term of four years. No member shall serve more than two successive terms unless the member is an employee of the Department of Health and Human Services or the Department of Public Instruction representing his or her agency as a specialist in the field of service.~~

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

(c) ~~The chairman chair of the Council shall be designated by the Secretary of the Department of Health and Human Services from the Council members. The chairman chair shall hold this office for not more than four years.~~

..."

**NORTH CAROLINA COUNCIL ON DEVELOPMENTAL DISABILITIES**

**SECTION 2.5.** Effective July 1, 2012, G.S. 143B-179 reads as rewritten:

**"§ 143B-179. Council on Developmental Disabilities – members; selection; quorum; compensation.**

(a) The Council on Developmental Disabilities of the Department of Health and Human Services shall consist of ~~32 members appointed by the Governor~~ 18 members. The composition of the Council shall be as follows:

(1) ~~Eleven~~ Six members appointed by the Governor from the General Assembly and State government agencies as follows: One ~~person who is a member of the Senate, one person who is a member of the House of Representatives,~~ one representative of the Department of Public Instruction, one representative of the Division of Adult Correction of the Department of Public Safety, and seven representatives of the Department of Health and Human Services to include the Secretary or his designee.

(1a) One member of the Senate appointed by the President Pro Tempore of the Senate and one member of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) ~~Sixteen~~ Nine members appointed by the Governor designated as consumers of service for the developmentally disabled. A consumer of services for the developmentally disabled is a person who (i) has a developmental disability or is the parent or guardian of such a person, or (ii) is an immediate relative or guardian of a person with mentally impairing developmental disability, and (iii) is not an employee of a State agency that receives funds or provides services under the provisions of Part B, Title 1, P.L. 98-527, as amended, the Developmental Disabilities Act of 1984, is not a managing employee (as defined in Section 1126(b) of the Social Security Act) of any other entity that receives funds or provides services under such Part, and is not a person with an ownership or control interest (within the meaning of Section 1124(a)(3) of the Social Security Act) with respect to such an entity. Of these 16 members, at least one third shall be persons with developmental disabilities and at least another one third shall be the immediate relatives or guardians of persons with mentally impairing developmental disabilities, of whom at least one shall be an immediate relative or guardian of an institutionalized developmentally disabled person.

(3) ~~Five~~ Three members appointed by the Governor as at large as follows: One ~~representative of the university affiliated facility, one~~ representative of the State protection and advocacy system, one representative of a local agency, and one representative of a nongovernmental agency or nonprofit group concerned with services to persons with developmental ~~disabilities, and one~~ disabilities.

The appointments of all members, with the exception of those from the General Assembly and State agencies shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall make appropriate provisions for the rotation of membership on the Council.

(b) The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16.

The Governor shall designate one member of the Council to serve as ~~chairman~~ chair at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

1 All clerical and other services required by the council shall be supplied by the Secretary of  
2 Health and Human Services."

#### 4 **NORTH CAROLINA ECONOMIC DEVELOPMENT BOARD**

5 **SECTION 2.6.** Effective July 1, 2012, G.S. 143B-434 reads as rewritten:

##### 6 **"§ 143B-434. Economic Development Board – creation, duties, membership.**

7 ...

8 (b) Membership. – The Economic Development Board shall consist of ~~39~~21 members.  
9 The Secretary of Commerce shall serve ex officio as a member and as the secretary of the  
10 Economic Development Board. The Secretary of Revenue shall serve as an ex officio,  
11 nonvoting member. The Secretary of the Department of ~~Cultural~~Cultural-Environment and Natural  
12 Resources shall serve as an ex officio, nonvoting member. ~~Four~~Two members of the House of  
13 Representatives appointed by the Speaker of the House of Representatives, ~~four~~two members  
14 of the Senate appointed by the President Pro Tempore of the Senate, the Superintendent of  
15 Public Instruction, or designee, the President of The University of North Carolina, or designee,  
16 the President of the North Carolina Community College System, or designee, the Secretary of  
17 State, and the President of the Senate (or the designee of the President of the Senate), shall  
18 serve as members of the Board. The Governor shall appoint the remaining ~~23~~nine members of  
19 the Board. Effective with the terms beginning ~~July 1, 1997~~August 1, 2012, one of the  
20 Governor's appointees shall be a representative of a nonprofit organization involved in  
21 economic development and ~~two~~one of the Governor's appointees shall be county economic  
22 development representatives. The Governor shall designate a chair and a vice-chair from  
23 among the members of the Board. Appointments to the Board made by the ~~Governor for terms~~  
24 ~~beginning July 1, 1997~~Governor, and appointments to the Board made by the Speaker of the  
25 House of Representatives and the President Pro Tempore of the Senate for terms beginning ~~July~~  
26 ~~9, 1993~~August 1, 2012, should reflect the ethnic and gender diversity of the State as nearly as  
27 practical.

28 ~~The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the~~  
29 ~~initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial~~  
30 ~~appointments made by the Speaker of the House of Representatives and by the President Pro~~  
31 ~~Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995;~~  
32 ~~the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term~~  
33 ~~of four years.~~

34 The appointing officer shall make a replacement appointment to serve for the unexpired  
35 term in the case of a vacancy.

36 The members of the Economic Development Board shall receive per diem and necessary  
37 travel and subsistence expenses payable to members of State Boards and agencies generally  
38 pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the Economic  
39 Development Board who are members of the General Assembly shall not receive per diem but  
40 shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1.

41 ..."

#### 43 **NORTH CAROLINA FINANCIAL LITERACY COUNCIL**

44 **SECTION 2.7.** Effective July 1, 2012, G.S. 114-51 reads as rewritten:

##### 45 **"§ 114-51. Membership; terms; quorum.**

46 (a) The Council shall consist of ~~48~~nine members appointed by and serving at the  
47 pleasure of the Governor. The Governor shall designate a chair from among the members of the  
48 Council. Membership shall be as follows:

49 (1) ~~Ten~~Six members from government agencies with responsibility for  
50 programs and services related to financial education, financial services, and

related economic stability efforts. At least one representative shall come from each of the following government agencies:

- a. Community College System.
- ~~b. Department of Commerce.~~
- ~~c. Department of Justice.~~
- ~~d. Department of Labor.~~
- e. Department of Public Instruction.
- f. Department of the Secretary of State.
- g. Department of State Treasurer.
- h. Office of the Commissioner of Banks.
- i. The University of North Carolina.

(2) ~~Two~~One public ~~members~~member with experience in the financial services industry.

(3) ~~Two~~One public ~~members~~member who represent employers with experience in providing financial education to their employees.

(4) ~~Four~~One public ~~members~~member with experience in consumer advocacy or nonprofit financial education.

(b) Members of the Council shall be appointed for terms of three years and shall serve until their successors are appointed and qualified.

(c) A majority of the Council's members shall constitute a quorum."

## **NORTH CAROLINA FORESTRY COUNCIL**

**SECTION 2.8.** Effective July 1, 2012, G.S. 143A-66.2 reads as rewritten:

**"§ 143A-66.2. Forestry Council – members; chairperson; selection; removal; compensation; quorum.**

(a) The Forestry Advisory Council of the Department of Agriculture and Consumer Services shall consist of ~~18-12~~ members appointed as follows:

(1) Three persons who are registered foresters and who represent the primary forest products industry, one each from the Mountains, Piedmont and Coastal Plain.

(2) One person who represents the secondary wood-using industry.

(3) One person who represents the logging industry.

(4) ~~Four persons who are~~One person who is a nonindustrial woodland owner actively involved in forest management, ~~one of whom has agricultural interests, and at least one each from the Mountains, Piedmont, and Coastal Plain.~~management.

(5) ~~Three persons who are members~~One person who is a member of a statewide environmental or wildlife conservation organization.

(6) One consulting forester.

(7) Two persons who are forest scientists with knowledge of the functioning and management of forest ecosystems.

~~(8) One person who represents a banking institution that manages forestland.~~

(9) One person with expertise in urban forestry.

(10) One person with active experience in city and regional planning.

(b) The Governor shall appoint one person from categories (1) and (5), ~~two persons from category (4), and the persons from categories (6), (7), (8), (9), and (10).~~(1), (6), (7), and (9). The President Pro Tempore of the Senate shall appoint ~~the one person from category (2)~~(1) and ~~one the person each~~ from categories ~~(1), (2), (4), and (5).~~(1), (4), and (5). The Speaker of the House of Representatives shall appoint ~~the one person from category (3)~~(1) and ~~one the person each~~ from categories ~~(1), (4), and (5).~~(3), (7), (9), and (10). The Governor, the President Pro Tempore of

the Senate, and the Speaker of the House of Representatives shall consult with one another to insure that each of the three geographic regions of the State are represented in appointments made to fill ~~categories (1) and (4).~~category (1).

(c) ~~The Governor-Council shall designate one member of the Council to serve as chairperson at the pleasure of the Governor.~~chair.

(d) Members shall serve staggered terms of office of four years. The terms of office of members filling categories (1), (4), and (5) shall expire on 30 June of years that follow by one year those years that are evenly divisible by four. The terms of office of members filling categories (2), (3), (6), (7), ~~(8), (9),~~ and (10) shall expire on 30 June of years that follow by three years those years that are evenly divisible by four. Terms shall expire as provided by this subsection except that members of the Council shall serve until their successors are appointed and duly qualified as provided by G.S. 128-7. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term and shall be made by the appointing authority responsible for that category. ~~Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.~~

(e) The Governor shall have the power to remove, in accordance with G.S. 143B-13, any member appointed by the Governor. The General Assembly shall have the power to remove, in accordance with G.S. 143B-13, any member appointed by the General Assembly.

(f) Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(g) A majority of the Council shall constitute a quorum for the transaction of business.

(h) All clerical and other services required by the Council, including the support required to carry out studies it is requested to make, shall be supplied by the Commissioner of Agriculture."

## **NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL**

**SECTION 2.9.** Effective July 1, 2012, G.S. 143-726 reads as rewritten:

### **"§ 143-726. Council membership; organization.**

(a) Members. – The Council shall consist of up to ~~35~~20 members, or their designees, as set forth in this section. An appointing authority may reappoint a Council member for successive terms.

~~(b) Governor's Appointments. – The Governor shall appoint the following members:~~

~~(1) The head of an at large State agency not represented in subsection (d) of this section.~~

~~(2) An employee of a county government, nominated by the North Carolina Association of County Commissioners.~~

~~(3) An employee of a municipal government, nominated by the North Carolina League of Municipalities.~~

~~(4) An employee of the federal government who is stationed in North Carolina.~~

~~(5) A representative from the Lead Regional Organizations.~~

~~(6) A member of the general public.~~

~~(7) Other individuals whom the Governor deems appropriate to enhance the efforts of geographic information coordination.~~

~~Members appointed by the Governor shall serve three-year terms.~~terms beginning on July 1, 2013.

~~(b1) Governor's Appointment. - The Governor may appoint one additional member whom the Governor deems appropriate to enhance the efforts of geographic information coordination. The Governor shall appoint an individual from the membership of the Council to~~



1 ~~serve as Chair of the Council. The member appointed shall serve as Chair for a term of one~~  
2 ~~year.~~

3 (c) General Assembly Appointments. – The President Pro Tempore of the Senate and  
4 the Speaker of the House of Representatives ~~shall each appoint three members to the Council.~~  
5 ~~These members shall serve one year terms.~~ may each appoint one member appropriate to  
6 enhance the efforts of geographic information coordination.

7 (d) Other Members. – Other Council members shall ~~include~~ include the following  
8 members or their designee:

9 (1) The Secretary of State.

10 (2) The Commissioner of Agriculture.

11 (3) The Superintendent of Public Instruction.

12 (4) The Secretary of Environment and Natural Resources.

13 (5) The Secretary of the Department of Transportation.

14 (6) The Secretary of the Department of Administration.

15 (7) The Secretary of the Department of Commerce.

16 (8) The Secretary of the Department of Public Safety.

17 (9) The Secretary of the Department of Health and Human Services.

18 (10) The Secretary of the Department of Revenue.

19 (11) The President of the North Carolina Community Colleges System.

20 (12) The President of The University of North Carolina System.

21 (13) The Chair of the Public Utilities Commission.

22 (14) ~~The State Budget Officer.~~ Executive Director of the North Carolina Society  
23 of Surveyors.

24 (15) The Executive Director of the North Carolina League of Municipalities.

25 (16) The Executive Director of the North Carolina Association of County  
26 Commissioners.

27 ~~(17) One representative from the State Government GIS User Committee.~~

28 ~~(18) One representative elected annually from the Local Government Committee~~  
29 ~~established pursuant to subdivision (h)(2) of this section.~~

30 (19) The State Chief Information Officer who shall serve as a nonvoting member.

31 Council members serving ex officio pursuant to this subsection shall serve terms coinciding  
32 with their respective offices. Members serving by virtue of their appointment by a standing  
33 committee of the Council shall serve for the duration of their appointment by the standing  
34 committee.

35 (d1) Chair. – The Governor shall appoint an individual from the membership of the  
36 Council to serve as Chair of the Council. The member appointed shall serve as Chair for a term  
37 of one year.

38 ...

39 (f) Administration. – ~~The Director of the CGI~~ The Division of Emergency  
40 Management, or his or her designee, shall be secretary of the Council and the Office of  
41 Geospatial and Technology Management, Division of Emergency Management, Department of  
42 Public Safety, shall provide staff support as it requires.

43 (g) Reports. – The Council shall report at least annually to the ~~Governor and Governor,~~  
44 ~~to the Joint Legislative Commission on Governmental Operations.~~ Operations, and the Office of  
45 Geospatial and Technology Management, Division of Emergency Management, Department of  
46 Public Safety.

47 ..."

## 49 NORTH CAROLINA HISTORICAL COMMISSION

50 **SECTION 2.10.** Effective July 1, 2012, G.S. 143B-63 reads as rewritten:

**"§ 143B-63. Historical Commission – members; selection; quorum; compensation.**

The Historical Commission of the Department of Cultural Resources shall consist of ~~44~~ seven members appointed by the Governor.

~~The members of the North Carolina Historical Commission shall include the members of the existing North Carolina Historical Commission who shall serve for a period equal to the remainder of their current terms on the Commission, plus four additional appointees of the Governor, two of whose appointments shall expire March 31, 1979, and two of whose appointments shall expire March 31, 1981. At the end of the respective terms of office of the members, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. Of the members, at least five shall have professional training or experience in the fields of archives, history, historic preservation, historic architecture, archaeology, or museum administration, including at least three currently involved in the teaching of history at the college or university level or in administering archives or historical collections or programs. Any appointment to fill a vacancy on the Commission created by resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.~~

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance according to the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

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

A majority of the Commission shall constitute a quorum for the transaction of business.

The members of the Commission shall choose a chair from among its membership.

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources."

**NORTH CAROLINA COUNCIL ON THE HOLOCAUST**

**SECTION 2.11.** Effective July 1, 2012, G.S. 143A-48.1 reads as rewritten:

**"§ 143A-48.1. North Carolina Council on the Holocaust; creation; purpose; membership; expenses; assistance.**

...

(b) The Council shall consist of ~~24-12~~ members, six appointed by the Governor, ~~six~~ three appointed by the President Pro Tempore of the Senate, ~~Senate and six~~ three appointed by the Speaker of the House of Representatives, ~~and six appointed by the other 18 members.~~ Representatives. Members appointed by the Governor shall ~~be appointed for~~ serve two-year terms to begin July 1 of each ~~odd-numbered~~ even-numbered year. ~~The six at-large appointments shall be made by the Council at its first meeting after July 1 of each odd-numbered year.~~ Members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall initially serve one-year terms beginning July 1, 2012, with subsequent terms of two years beginning July 1 of each odd-numbered years. To be eligible for appointment as an at-large member, a person must either be a survivor of the Holocaust or a first-generation lineal descendant of such person. A majority of the members shall constitute a quorum for the transaction of business.

..."

**NORTH CAROLINA HOUSING COORDINATION AND POLICY COUNCIL**

**SECTION 2.12.** Effective July 1, 2012, G.S. 122A-5.11 reads as rewritten:

**"§ 122A-5.11. Council membership; compensation; procedures.**

(a) The Housing Coordination and Policy Council shall consist of ~~45~~ nine representatives, as follows:

- ~~(1) One member of the N.C. Housing Partnership who is experienced with housing programs for low income persons, as designated by the chair.~~
- ~~(2) One member of the Community Development Council who is experienced with federal, State, and local housing programs, as designated by the chair.~~
- ~~(3) One member of the N.C. Housing Finance Agency Board of Directors who is experienced with real estate finance and development, as designated by the chair.~~
- ~~(4) One member of the Weatherization Policy Advisory Council who is experienced with community weatherization programs, as designated by the chair.~~
- (5) One member of the State protection and advocacy agency designated under the Developmental Disabilities Assistance and Bill of Rights Act 2000, P.L. 106-402, who is familiar with the housing needs of the disabled.
- (6) The executive director of the Commission of Indian Affairs, or a designee familiar with Indian housing programs.
- (7) The Assistant Secretary of Community Development and Housing, or a designee familiar with housing programs related to community development and housing functions.
- (8) The director of the Division of Aging, or a designee familiar with the housing programs of the Division.
- (9) The executive director of the N.C. Housing Finance Agency, or a designee familiar with the housing programs of the Agency.
- (10) The director of the Division of Mental Health, or a designee familiar with housing for those with mental disabilities.
- (11) The executive director of the N.C. Human Relations Commission, or a designee familiar with federal and State fair housing laws.
- ~~(12) The head of the AIDS Care Branch, or a designee familiar with the housing programs of the Division of Adult Health Promotion.~~
- (13) The director of the Office of Economic Opportunity, or a designee familiar with programs for the homeless.
- (14) ~~Two members~~One member of nonprofit organizations who are experienced with housing advocacy for low-income persons and State and federal housing programs.

...

## NORTH CAROLINA HUMAN RELATIONS COMMISSION

**SECTION 2.13.** Effective July 1, 2012, G.S. 143B-392 reads as rewritten:

### "§ 143B-392. North Carolina Human Relations Commission – Members; selection; quorum; compensation.

(a) The Human Relations Commission of the Department of Administration shall consist of ~~22~~eleven members. The Governor shall appoint ~~one member from each of the 13 congressional districts, plus~~ five members at large, ~~including the chairperson.~~members. The Speaker of the North Carolina House of Representatives shall appoint two members to the Commission. The President Pro Tempore of the Senate shall appoint two members to the Commission. The chair of the Commission shall be appointed by members of the Commission. ~~The terms of four of the members appointed by the Governor shall expire June 30, 1988. The terms of four of the members appointed by the Governor shall expire June 30, 1987. The terms of four of the members appointed by the Governor shall expire June 30, 1986. The terms of four of the members appointed by the Governor shall expire June 30, 1985. The terms of the members appointed by the Speaker of the North Carolina House of Representatives shall expire~~

~~June 30, 1986. The terms of the members appointed by the Lieutenant Governor shall expire~~  
~~June 30, 1986. The initial term of office of the person appointed to represent the 12th~~  
~~Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. At the~~  
~~end of the respective terms of office of the initial members of the Commission, the~~  
The  
appointment of their successors shall be for terms of four years. No member of the commission  
shall serve more than two consecutive terms. A member having served two consecutive terms  
shall be eligible for reappointment one year after the expiration of his second term. Any  
appointment to fill a vacancy on the Commission created by the resignation, dismissal, death,  
or disability of a member shall be filled in the manner of the original appointment for the  
unexpired term.

..."

## STATE ADVISORY COUNCIL ON INDIAN EDUCATION

**SECTION 2.14.** Effective July 1, 2012, G.S. 115C-210.1 reads as rewritten:

### "§ 115C-210.1. Membership – How appointed.

The Council shall consist of ~~45~~11 members, as follows:

...

- (4) ~~Eight~~Four Indian parents of students enrolled in public schools and two  
Indian educators from public elementary/secondary schools to be appointed  
by the State Board of Education from a list submitted by the North Carolina  
Commission on Indian Affairs;

..."

## NORTH CAROLINA INTERNSHIP COUNCIL

**SECTION 2.15.** Effective July 1, 2012, G.S. 143B-418 reads as rewritten:

### "§ 143B-418. North Carolina Internship Council – members; selection; quorum; compensation; clerical, etc., services.

The North Carolina Internship Council shall consist of ~~47~~13 members, including the  
Secretary of Administration or his designee, one member to be designated by and to serve at  
the pleasure of the President Pro Tempore of the Senate, one member to be designated by and  
to serve at the pleasure of the Speaker of the House of Representatives and the following ~~14~~10  
members to be appointed by the Governor to a two-year term commencing on July 1 of  
odd-numbered years: two representatives of community colleges; ~~four~~two representatives of  
The University of North Carolina system; ~~two~~one representative of private  
colleges or universities; three representatives of colleges or universities with an enrollment of  
less than 5,000 students; and ~~three~~two former interns.

At the end of the respective terms of office of the ~~14~~10 members of the Council appointed  
by the Governor, the appointment of their successors shall be for terms of two years and until  
their successors are appointed and qualify. The Governor may remove any member appointed  
by the Governor.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal,  
death, or disability of a member shall be for the balance of the unexpired term.

The Council shall meet at the call of the ~~chairman~~chair or upon written request of at least  
five members.

The Governor shall designate a member of the Council as ~~chairman~~chair to serve at the  
pleasure of the Governor.

Members of the Council shall receive per diem and necessary travel and subsistence  
expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

1 All clerical and other services required by the Council shall be supplied by the Secretary of  
2 Administration."

#### 3 4 **STATE LIBRARY COMMISSION**

5 **SECTION 2.16.** Effective July 1, 2012, G.S. 143B-91 reads as rewritten:

6 "**§ 143B-91. State Library Commission – members; selection; quorum; compensation.**

7 (a) The State Library Commission shall consist of ~~15-11~~ members. All members shall  
8 have an interest in the development of library and information services in North Carolina. ~~Eight~~  
9 ~~Six~~ members shall be appointed by the Governor. One member shall be appointed by the  
10 President Pro Tempore of the Senate. One member shall be appointed by the Speaker of the  
11 North Carolina House of Representatives. ~~Three-Two~~ members shall be appointed by the North  
12 Carolina Public Library Directors Association. ~~Two members~~ One member shall be the  
13 President and the President-elect of the North Carolina Library Association or ~~two~~  
14 ~~appointees~~ one appointee as determined by the North Carolina Library Association's Board of  
15 Directors. The State Librarian shall be an ex officio member and act as secretary to the  
16 Commission.

17 All appointments shall be for four-year terms with ~~eight-six~~ of the commissioners taking  
18 office on the first four-year cycle and ~~seven-five~~ commissioners taking office on the second  
19 four-year cycle. Any appointment to fill a vacancy in one of the positions appointed by the  
20 Governor, President Pro Tempore or Speaker of the House of Representatives shall be for the  
21 remainder of the unexpired term. Appointees shall not serve more than two successive  
22 four-year terms.

23 The Governor shall choose a chairperson from among the gubernatorial appointees. The  
24 chairperson shall serve not more than two successive two-year terms as chair.

25 Members of the Commission shall receive per diem and necessary travel and subsistence  
26 expenses as provided in G.S. 138-5.

27 A majority of the Commission shall constitute a quorum for the transaction of business.

28 All clerical and other services required by the Commission shall be supplied by the  
29 Secretary of Cultural Resources.

30 The Commission shall meet at least twice a year.

31 ..."

#### 32 33 **LOCAL HEALTH DEPARTMENT ACCREDITATION BOARD**

34 **SECTION 2.17.** Effective July 1, 2012, G.S. 130A-34.1 reads as rewritten:

35 "**§ 130A-34.1. Accreditation of local health departments; board established.**

36 (a) The Local Health Department Accreditation Board is established within the North  
37 Carolina Institute for Public Health. The Board shall be composed of ~~17-9~~ members appointed  
38 by the Secretary of the Department of Health and Human Services as follows:

- 39 (1) ~~Four-Two~~ shall be county commissioners recommended by the North  
40 Carolina Association of County Commissioners, and ~~four-two~~ shall be  
41 members of a local board of health as recommended by the Association of  
42 North Carolina Boards of Health.
- 43 (2) ~~Three-Two~~ local health directors.
- 44 (3) ~~Three-Two~~ staff members from the Division of Public Health, Department of  
45 Health and Human Services.
- 46 (4) Repealed by Session Laws 2011-145, s. 13.3(zz), effective July 1, 2011.
- 47 (5) ~~Three-One~~ at large.

48 ..."

#### 49 50 **MARINE FISHERIES COMMISSION ADVISORY COMMITTEES**

1           **SECTION 2.18.(a)** Effective July 1, 2012, G.S. 143B-289.57 reads as rewritten:  
2   "**§ 143B-289.57. Marine Fisheries Commission Advisory Committees established;**  
3       **members; selection; duties.**

4       ...

5       (b) The Chair of the Commission shall appoint the following standing advisory  
6 committees:

7           (1) The Finfish Committee, which shall consider matters concerning finfish.

8           ~~(2) The Crustacean Committee, which shall consider matters concerning shrimp~~  
9           ~~and crabs.~~

10          ~~(3) The Shellfish Committee, which shall consider matters concerning oysters,~~  
11          ~~clams, scallops, and other molluscan shellfish.~~

12          (3a) The Shellfish/Crustacean Advisory Committee, which shall consider matters  
13          concerning oysters, clams, scallops, other molluscan shellfish, shrimp, and  
14          crabs.

15          (4) The Habitat and Water Quality Committee, which shall consider matters  
16 concerning habitat and water quality that may affect coastal fisheries  
17 resources.

18       ...

19       (e) The Chair of the Commission shall appoint a ~~regional advisory committee for each~~  
20 ~~of the three coastal regions designated in G.S. 143B-289.54(b) and shall appoint a regional~~  
21 ~~advisory committee for that part of the State that is not included in the three coastal regions.~~  
22 Northern Advisory Committee, encompassing areas from the Virginia line south through Hyde  
23 and Pamlico counties and any counties to the west and a Southern Advisory Committee,  
24 encompassing areas from Carteret County south to the South Carolina line and any counties to  
25 the west. In making appointments to regional advisory committees, the Chair of the  
26 Commission shall ensure that both commercial and recreational fishing interests are fairly  
27 represented."

28           **SECTION 2.18.(b)** The terms of the members currently serving on the Crustacean,  
29 Shellfish, and the three regional advisory committees (Northern, Central, and Southern) shall  
30 expire on June 30, 2012. Effective July 1, 2012, the Chair of the Marine Fisheries Advisory  
31 Commission shall appoint no more than 11 members to the Northern Advisory Committee and  
32 the South Advisory Committee establish pursuant to subsection (e) of G.S. 143B-289.57, as  
33 amended by this section.

## 34   **NORTH CAROLINA ADVISORY COMMISSION ON MILITARY AFFAIRS**

35           **SECTION 2.19.** Effective July 1, 2012, G.S. 127C-2 reads as rewritten:

36   "**§ 127C-2. Membership.**

37       (a) The North Carolina Advisory Commission on Military Affairs shall consist of ~~24~~ 15  
38 voting members, who shall serve on the Executive Committee, and 17 nonvoting, ex officio  
39 members who shall serve by reason of their positions.

40       (b) The Executive Committee shall be appointed as follows:

41           (1) ~~Three~~ Five members appointed by the Speaker of the House of  
42 Representatives, ~~one of whom shall be a member of a recognized veterans'~~  
43 ~~organization, consisting of:~~

44           a. One representative from the Jacksonville community.

45           b. One representative from the Havelock community.

46           c. One representative from the Goldsboro community.

47           d. One representative from the Fayetteville community.

48           e. One public member who is a member of a recognized veterans'  
49 organization.  
50

- 1           (2) ~~Three-Five~~ members appointed by the President Pro Tempore of the Senate,  
2           ~~one of whom shall be a member of a recognized veterans' organization.~~  
3           ~~consisting of:~~  
4           a. One representative from the Jacksonville community.  
5           b. One representative from the Havelock community.  
6           c. One representative from the Goldsboro community.  
7           d. One representative from the Fayetteville community.  
8           e. One public member who is a member of a recognized veterans'  
9           organization.  
10          (3) ~~Fifteen-Five~~ members appointed by the Governor, consisting of:  
11          a. ~~Three representatives~~One representative from the Jacksonville  
12             community.  
13          b. ~~Three representatives~~One representative from the Havelock  
14             community.  
15          c. ~~Three representatives~~One representative from the Goldsboro  
16             community.  
17          d. ~~Three representatives~~One representative from the Fayetteville  
18             community.  
19          e. ~~Three~~One public members ~~from across the State.~~member who is a  
20             veteran.  
21          ..."  
22

#### 23 MINORITY HEALTH ADVISORY COUNCIL

24           **SECTION 2.20.** Effective July 1, 2012, G.S. 130A-33.44 reads as rewritten:

25   "**§ 130A-33.44. Minority Health Advisory Council – members; selection; quorum;**  
26   **compensation.**

27          (a) The Minority Health Advisory Council in the Department shall consist of ~~15~~nine  
28          members to be appointed as follows:

- 29           (1) ~~Five-Three~~ members shall be appointed by the Governor. Members  
30           appointed by the Governor shall be representatives of the following: health  
31           care providers, public health, health related public and private agencies and  
32           organizations, community-based organizations, and human services agencies  
33           and organizations.  
34           (2) ~~Five-Three~~ members shall be appointed by the Speaker of the House of  
35           Representatives, ~~two~~one of whom shall be ~~members~~a member of the House  
36           of Representatives, and at least one of whom shall be a public member. The  
37           remainder of the Speaker's appointees shall be representative of any of the  
38           entities named in subdivision (1) of this subsection.  
39           (3) ~~Five-Three~~ members shall be appointed by the President Pro Tempore of the  
40           Senate, ~~two~~one of whom shall be ~~members~~a member of the Senate, ~~and at~~  
41           ~~least one of whom shall be a public member.~~ The remainder of the President  
42           ~~Pro Tempore's appointees~~member, and one of whom shall be representative  
43           of any of the entities named in subdivision (1) of this subsection.

44          ..."  
45

#### 46 NORTH CAROLINA MUSEUM OF ART, BOARD OF TRUSTEES

47           **SECTION 2.21.(a)** Effective October 1, 2012, G.S. 140-5.13 reads as rewritten:

48   "**§ 140-5.13. Board of Trustees – establishment; members; selection; quorum;**  
49   **compensation; officers; meetings.**

50          ...  
51

(b) The Board of Trustees of the North Carolina Museum of Art shall consist of ~~29~~11 members, chosen as follows:

(1) The Governor shall appoint ~~13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);~~five members;

~~(2) The North Carolina State Art Society, Incorporated, shall elect four members;~~

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect ~~four~~two members;

(4) The Board of Trustees of the North Carolina Museum of Art shall elect ~~four~~two members;

(5) The General Assembly shall appoint ~~four~~two members, ~~two~~one upon the recommendation of the Speaker of the House of Representatives, and ~~two~~one upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until his successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years.

..."

**SECTION 2.21.(b)** The terms of the members currently serving on the Board of Trustees of the North Carolina Museum of Art shall expire September 30, 2012. Members appointed to the Board pursuant to G.S. 140-5.13, as amended by subsection (a) of this section, shall begin serving their terms on October 1, 2012.

## **NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY**

**SECTION 2.22.** Effective July 1, 2012, G.S. 143B-472.81 reads as rewritten:

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

(a) The North Carolina Board of Science and Technology consists of the Governor, the Secretary of Commerce, and ~~47-13~~ members appointed as follows: the Governor shall appoint one member from the University of North Carolina at Chapel Hill, one member from North Carolina State University at Raleigh, and ~~two members~~one member from other components of the University of North Carolina, all nominated by the President of the University of North Carolina; one member from Duke University, nominated by the President of Duke University; one member from a private college or university, other than Duke University, in North Carolina, nominated by the President of the Association of Private Colleges and Universities; one member from the Research Triangle Institute, nominated by the executive committee of the board of that institute; one member from the Microelectronics Center of North Carolina, nominated by the executive committee of the board of that center; one member from the North Carolina Biotechnology Center, nominated by the executive committee of the board of that center; ~~four members~~one member from private industry in North Carolina, ~~at least one of whom shall be a professional engineer registered pursuant to Chapter 89C of the General Statutes or a person who holds at least a bachelors degree in engineering from an accredited college or university; and two members from public agencies in North Carolina.~~ Two members from private industry in North Carolina shall be appointed by the General Assembly, one shall be appointed upon the recommendation of the President Pro Tempore of the Senate, and one shall be appointed upon the recommendation of the Speaker of the House of Representatives in



accordance with G.S. 120-121. The nominating authority for any vacancy on the Board among members appointed by the Governor shall submit to the Governor two nominations for each position to be filled, and the persons so nominated shall represent different disciplines.

(b) Members appointed to the Board by the General Assembly shall serve for two-year terms beginning 1 July of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. ~~The two members from public agencies shall serve for terms expiring at the end of the term of the Governor appointing them. The other 13~~nine members appointed to the Board by the Governor shall serve for ~~four-year~~three-year terms, and until their successors are appointed and qualified. Of those ~~13~~nine members, ~~six~~five shall serve for terms that expire on 30 June of years that ~~follow by one year~~those years that are evenly divisible by four, three, and seven~~four~~ shall serve for terms that expire on 30 June of years that ~~follow by three years~~precede by one year those years that are evenly divisible by ~~four~~three. Any appointment to fill a vacancy on the Board created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

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

..."

## STATE YOUTH ADVISORY COUNCIL

**SECTION 2.23.** Effective July 1, 2012, G.S. 143B-386 reads as rewritten:

**"§ 143B-386. State Youth Advisory Council – members; selection; quorum; compensation.**

The State Youth Advisory Council of the Department of Administration shall consist of ~~20~~10 members. The composition and appointment of the Council shall be as follows:

~~Ten~~Five youths to be elected by the procedure adopted by the Youth Advisory Council, which shall include a requirement that ~~four~~two of the members represent youth organizations; and ~~10~~five adults to be appointed by the Governor at least ~~four~~two of whom shall be individuals working on youth programs through youth organizations. Provided that no person shall serve on the Board for more than two complete consecutive terms.

~~The initial members of the Council shall be the appointed members of the Youth Advisory Board who shall serve for a period equal to the remainder of their current terms on the Youth Advisory Board. The current terms of the youth members expire July 1, 1976, the current terms of four of the adult members expire April 7, 1976, and the remaining four adult members' terms expire May 1, 1978. At the end of the respective terms of office of the initial members of the Council, the appointment of their successors shall be as follows:~~

(1) ~~Eight youth members to serve for terms beginning on July 1, 1976, and expiring on June 30, 1977, and two additional youth members to serve for terms beginning on July 1, 1977, and expiring on June 30, 1978. At the end of the terms of office of these youth members of the Council, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify.~~

(2) ~~Four adult members to serve for terms beginning on April 8, 1976, and expiring on June 30, 1979; four adult members to serve for terms beginning on May 1, 1978, and expiring on June 30, 1980; one additional adult member to serve for a term beginning July 1, 1977, and expiring June 30, 1978; and one additional adult member to serve for a term beginning July 1, 1977, and expiring June 30, 1979. At the end of the respective terms of office of these adult members of the Council, the appointment of their~~

~~successors shall be for terms of two years and until their successors are appointed and qualify. At least one adult member shall be an advisor of a local youth council at appointment and for the duration of the term. The term for each appointment shall be for two years.~~ The total membership shall reasonably reflect the socioeconomic, ethnic, sexual and sectional composition of the State.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

The Governor shall designate an adult member of the Council to serve as ~~chairman~~ chair at the pleasure of the Governor. The Council shall elect a youth member to serve as ~~vice-chairman~~ vice-chair for a one-year term.

A majority of the Council shall constitute a quorum for the transaction of business.

Members of the Council who are not officers or employees of the State shall receive per diem and necessary travel and subsistence expenses in accordance with provisions of G.S. 138-5.

All clerical and other services required by the Council shall be supplied by the Secretary of Administration."

**SECTION 2.23A.** Unless otherwise provided, Sections 2.1 through 2.23 become effective July 1, 2012 and the members currently serving on the boards and commissions set out in those Sections expire on June 30, 2012. If the terms of office being eliminated in this Subpart have not been set out by this act, then the appointing authorities shall determine by August 1, 2012, which terms to eliminate to achieve the membership totals pursuant to this Subpart.

## **SUBPART B. EXECUTIVE BOARDS AND COMMISSIONS**

### **NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY**

**SECTION 2.24.** Effective July 1, 2012, G.S. 122D-4 read as rewritten:

**"§ 122D-4. North Carolina Agricultural Finance Authority.**

...

~~(b) The Authority shall be composed of 10 members appointed to three year terms as follows:~~

- ~~(1) One member appointed by the Governor to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.~~
- ~~(2) One member appointed by the Governor to a term that expires on 1 July of years that are evenly divisible by three.~~
- ~~(3) One member appointed by the Governor to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.~~
- ~~(4) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.~~
- ~~(5) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that are evenly divisible by three.~~
- ~~(6) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July~~

of years that follow by one year those years that are evenly divisible by three.

(7) ~~One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.~~

(8) ~~One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that are evenly divisible by three.~~

(9) ~~One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.~~

(10) ~~The Commissioner or the Commissioner's designee shall serve ex officio, with the same rights and privileges, including voting rights, as other members.~~

(b1) The Authority shall be composed of seven members appointed to three-years terms as follows:

(1) Two members appointed by the Governor to a term that expires on June 30 of years that precede by one year those years that are evenly divisible by three.

(2) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires June 30 on of years that precede by one year those years that are evenly divisible by three.

(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on June 30 of years that follow by one year those years that are evenly divisible by three.

(4) The Commissioner or the Commissioner's designees shall serve ex officio with the same rights and privileges, including voting rights, as other members.

(c) A member appointed under subdivisions (1) through (9)(3) of subsection (b)(b1) of this section may be reappointed to no more than two successive three-year terms. Upon the expiration of a three-year term, a member shall continue to serve until a successor is appointed and duly qualified as provided by G.S. 128-7.

(d) Vacancies in the offices of any appointed members of the Authority shall be filled in accordance with G.S. 120-122 for the remainder of the unexpired term. No vacant office shall be included in the determination of a quorum. No vacancy in office shall impair the rights of the members to exercise all rights and to conduct official business of the Authority.

..."

## **U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION**

**SECTION 2.25.** Effective July 1, 2012, the U.S.S. North Carolina Battleship Commission shall be limited to 12 members. By August 1, 2012, the Governor shall eliminate six of the appointments made by the Governor to the Commission, established pursuant to G.S. 143B-73.

## **NORTH CAROLINA CHILD CARE COMMISSION**

1           **SECTION 2.26.** Effective July 1, 2012, the North Carolina Child Care  
2 Commission shall be limited to 15 members. By August 1, 2012, the Governor shall eliminate  
3 the two of the appointments made by the Governor to the Commission, established pursuant to  
4 G.S. 143B-168.3.

5  
6           **NORTH CAROLINA COASTAL RESOURCES COMMISSION**

7           **SECTION 2.27.** Effective July 1, 2012, G.S. 113A-104 reads as rewritten:

8           **"§ 113A-104. Coastal Resources Commission.**

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

12           (b) Composition. – The Coastal Resources Commission shall consist of ~~15~~nine  
13 members appointed by the Governor, as follows:

14           ~~(1) One who shall at the time of appointment be actively connected with or have~~  
15           ~~experience in commercial fishing.~~

16           ~~(2) One who shall at the time of appointment be actively connected with or have~~  
17           ~~experience in wildlife or sports fishing.~~

18           (3) One who shall at the time of appointment be actively connected with or have  
19 experience in marine ecology.

20           ~~(4) One who shall at the time of appointment be actively connected with or have~~  
21           ~~experience in coastal agriculture.~~

22           (5) One who shall at the time of appointment be actively connected with or have  
23 experience in coastal forestry.

24           (6) One who shall at the time of appointment be actively connected with or have  
25 experience in coastal land development.

26           (7) One who shall at the time of appointment be actively connected with or have  
27 experience in marine-related business (other than fishing and wildlife).

28           (8) One who shall at the time of appointment be actively connected with or have  
29 experience in engineering in the coastal area.

30           (9) One who shall at the time of appointment be actively associated with a State  
31 or national conservation organization.

32           (10) One who shall at the time of appointment be actively connected with or have  
33 experience in financing of coastal land development.

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

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

37           (c) Appointment of Members. – Appointments to the Commission shall be made to  
38 provide knowledge and experience in a diverse range of coastal interests. The members of the  
39 Commission shall serve and act on the Commission solely for the best interests of the public  
40 and public trust, and shall bring their particular knowledge and experience to the Commission  
41 for that end alone.

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

45           The remaining members of the Commission shall be appointed by the Governor after  
46 completion of the nominating procedures prescribed by subsection (d) of this section. The  
47 members of the Commission whose qualifications are described in subdivisions (1) through (5),  
48 (9), and (11), shall be persons who do not derive any significant portion of their income from  
49 land development, construction, real estate sales, or lobbying and do not otherwise serve as  
50 agents for development-related business activities. The Governor shall require adequate

disclosure of potential conflicts of interest by members. The Governor, by executive order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section.

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

...

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

..."

## DOMESTIC VIOLENCE COMMISSION

SECTION 2.28. Effective July 1, 2012, G.S. 143B-394.15 reads as rewritten:

"§ 143B-394.15. Commission established; purpose; membership; transaction of business.

...

(c) Membership. – The Commission shall consist of ~~39~~ 20 members, who reflect the geographic and cultural regions of the State, as follows:

- (1) ~~Nine~~Six persons appointed by the Governor, ~~one of whom is a clerk of superior court; one of whom is an academician who is knowledgeable about domestic violence trends and treatment; one of whom is a member of the medical community; one of whom is a United States Attorney for the State of North Carolina or that person's designee; one of whom is a member of the North Carolina Bar Association who has studied domestic violence issues; one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; program;~~ one of whom is a member of the North Carolina Coalition Against Domestic Violence; one of whom is a former victim of domestic violence; ~~and one of whom is a member of the public at large.~~violence.
- (2) ~~Nine~~Five persons appointed by the General Assembly, upon recommendation of the President Pro Tempore of the Senate, ~~one of whom is a member of the Senate; one of whom is a district court judge; one of whom is a district attorney or assistant district attorney; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence issues; one of whom is a county manager; one of whom is a representative of a community legal services agency who works with domestic violence victims; one of whom is a former victim representative of the linguistic and cultural minority communities; one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; and one of whom is a member of the public at large.~~Women.
- (3) ~~Nine~~Five persons appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives, ~~one of whom is a member of the House of Representatives; one of whom is a magistrate; one of whom is a member of the business community; one of whom is a district court judge; one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence issues; one of whom provides offender treatment and is approved by the North Carolina Council for Women; one of whom is a representative of the linguistic and cultural minority communities; and one of whom is a public member.~~former victim of domestic violence.
- (4) The following persons: Attorney General, the Secretary of the Department of Public Safety, and the Chair of the North Carolina Council for Women, or their designees, ex officio; designees shall serve ex officio.
- a. The Governor.
- b. The Lieutenant Governor.
- c. The Attorney General.
- d. The Secretary of the Department of Administration.
- e. The Secretary of the Department of Public Safety.
- f. The Superintendent of Public Instruction.
- g. The Secretary of Public Safety.
- h. The Secretary of the Department of Health and Human Services.
- i. The Director of the Office of State Personnel.
- j. The Chair of the North Carolina Council for Women.

k. ~~— The Dean of the School of Government at the University of North Carolina at Chapel Hill.~~

l. ~~— The Chairman of the Governor's Crime Commission.~~

(d) Terms. – Members shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint ~~five~~three members for terms of two years and ~~four~~three members for terms of three years.

(2) The President Pro Tempore of the Senate shall initially appoint ~~five~~three members for terms of two years and ~~four~~two members for terms of three years.

(3) The Speaker of the House of Representatives shall initially appoint ~~five~~three members for terms of two years and ~~four~~two members for terms of three years.

Initial terms shall commence on September 1, 1999.

(e) Chair. – The chair shall be appointed biennially by the Governor from among the membership of the Commission. The initial term shall commence on September 1, 1999.

..."

## NORTH CAROLINA MEDICAL CARE COMMISSION

**SECTION 2.29.** Effective July 1, 2012, G.S. 143B-166 reads as rewritten:

**"§ 143B-166. North Carolina Medical Care Commission – members; selection; quorum; compensation.**

The North Carolina Medical Care Commission of the Department of Health and Human Services shall consist of ~~17~~11 members appointed by the Governor. Three of the members appointed by the Governor shall be nominated by the North Carolina Medical Society, one member shall be nominated by the North Carolina Nurses Association, one member shall be nominated by the North Carolina Pharmaceutical Association, one member nominated by the Duke Foundation and one member nominated by the North Carolina Hospital Association. The remaining ~~10~~four members of the North Carolina Medical Care Commission shall be appointed by the Governor and selected so as to fairly represent agriculture, industry, labor, and other interest groups in North Carolina. One such member appointed by the Governor shall be a dentist licensed to practice in North Carolina. The initial members of the Commission shall be 18 members of the North Carolina Medical Care Commission who shall serve for a period equal to the remainder of their current terms on the North Carolina Medical Care Commission, six of whose appointments expire June 30, 1973, four of whose appointments expire June 30, 1974, four of whose appointments expire June 30, 1975, and four of whose appointments expire June 30, 1976. To achieve the required 17 members the Governor shall appoint three members to the Commission upon the expiration of four members' initial terms on June 30, 1973. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

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

Vacancies on said Commission among the membership nominated by a society, association, or foundation as hereinabove provided shall be filled by the Executive Committee or other authorized agent of said society, association or foundation until the next meeting of the society,

association or foundation at which time the society, association or foundation shall nominate a member to fill the vacancy for the unexpired term.

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

A majority of the Commission shall constitute a quorum for the transaction of business.

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

## **COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES**

**SECTION 2.30.** Effective July 1, 2012, G.S. 143B-148 reads as rewritten:

### **"§ 143B-148. Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services – members; selection; quorum; compensation.**

(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services shall consist of ~~32~~19 members, as follows:

(1) Eight shall be appointed by the General Assembly, four upon the recommendation of the Speaker of the House of Representatives, and four upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. In recommending appointments under this section, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall give consideration to ensuring a balance of appointments that represent those who may have knowledge and expertise in adult issues and those who may have knowledge and expertise in children's issues. Of the four appointments recommended by the President Pro Tempore of the Senate, one shall be an attorney licensed in this State with preference given to an attorney with experience in the practice of administrative law, one shall be a physician licensed to practice medicine in North Carolina, with preference given to a psychiatrist, and two shall be members of the public. Of the four appointments recommended by the Speaker of the House of Representatives, one shall be an attorney licensed in this State with preference given to an attorney with experience in the practice of mental health law, one shall be a physician licensed to practice medicine in North Carolina who has expertise and experience in the field of developmental disabilities, or a professional holding a Ph.D. with experience in the field of developmental disabilities, and two shall be members of the public. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(2) ~~Twenty-four~~Eleven shall be appointed by the ~~Governor, one from each congressional district in the State in accordance with G.S. 147-12(3)b, and the remainder at large members.~~Governor. The Governor's appointees shall represent the following categories of appointment:

a. ~~Three professionals~~Professionals licensed or certified under Chapter 90 or Chapter 90B of the General Statutes who are practicing, teaching, or conducting research in the field of mental health.

b. ~~Four consumers~~Consumers or immediate family members of consumers of mental health services. ~~Of these four, at least one shall be a consumer and at least one shall be an immediate family member of a consumer.~~ No more than two of the consumers or immediate



1 family members shall be selected from nominations submitted by the  
2 Coalition 2001 or its successor organization.

3 c. ~~Two professionals~~ Professionals licensed or certified under Chapter  
4 90 or Chapter 90B of the General Statutes who are practicing,  
5 teaching, or conducting research in the field of developmental  
6 disabilities, and one individual who is a "qualified professional" as  
7 that term is defined in G.S. 122C-3(31) who has experience in the  
8 field of developmental disabilities.

9 d. ~~Four consumers~~ Consumers or immediate family members of  
10 consumers of developmental disabilities services. ~~Of these four, at~~  
11 ~~least one shall be a consumer and at least one shall be an immediate~~  
12 ~~family member of a consumer.~~ No more than two of the consumers  
13 or immediate family members shall be selected from nominations  
14 submitted by the Coalition 2001 or its successor organization.

15 e. ~~Two professionals~~ Professionals licensed or certified under Chapter  
16 90 of the General Statutes who are practicing, teaching, or  
17 conducting research in the field of substance abuse, and one  
18 professional who is a certified prevention specialist or who  
19 specializes in the area of addiction education.

20 f. An individual knowledgeable and experienced in the field of  
21 controlled substances regulation and enforcement. The controlled  
22 substances appointee shall be selected from recommendations made  
23 by the Attorney General of North Carolina.

24 g. A physician licensed to practice medicine in North Carolina who has  
25 expertise and experience in the field of substance abuse with  
26 preference given to a physician that is certified by the American  
27 Society of Addiction Medicine (ASAM).

28 h. ~~Four consumers~~ Consumers or immediate family members of  
29 consumers of substance abuse services. ~~Of these four, at least one~~  
30 ~~shall be a consumer and at least one shall be an immediate family~~  
31 ~~member of a consumer.~~ No more than two of the consumers or  
32 immediate family members shall be selected from nominations  
33 submitted by the Coalition 2001 or its successor organization.

34 i. An attorney licensed in this State. The appointments of professionals  
35 licensed or certified under Chapter 90 or Chapter 90B of the General  
36 Statutes made in accordance with this subdivision, and physicians  
37 appointed in accordance with subdivision (1) of this subsection shall  
38 be selected from nominations submitted to the appointing authority  
39 by the respective professional associations.

40 ..."

41  
42 **NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., BOARD OF**  
43 **DIRECTORS**

44 **SECTION 2.31.** Effective July 1, 2012, G.S. 143B-168.12 reads as rewritten:

45 **"§ 143B-168.12. North Carolina Partnership for Children, Inc.; conditions.**

46 (a) In order to receive State funds, the following conditions shall be met:

47 (1) The North Carolina Partnership shall have a Board of Directors consisting of  
48 the following ~~26~~20 members:

49 a. The Secretary of Health and Human Services, ex officio, or the  
50 Secretary's designee;

- b. Repealed by Session Laws 1997, c. 443, s. 11A.105.
- c. The Superintendent of Public Instruction, ex officio, or the Superintendent's designee;
- d. The President of the Community Colleges System, ex officio, or the President's designee;
- e. Three members of the public, including one child care provider, one other who is a parent, and one other who is a board chair of a local partnership serving on the North Carolina Partnership local partnership advisory committee, appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate;
- f. Three members of the public, including one who is a parent, one other who is a representative of the faith community, and one other who is a board chair of a local partnership serving on the North Carolina Partnership local partnership advisory committee, appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives;
- g. ~~Twelve-Six~~ members, appointed by the Governor. ~~Three-Two~~ of these ~~12-six~~ members shall be members of the party other than the Governor's party, appointed by the Governor. ~~Seven of these 12~~ These six members shall be appointed as follows: one who is a child care provider, one other who is a pediatrician, ~~one other who is a health care provider~~, one other who is a parent, one other who is a member of the business community, one other who is a member representing a philanthropic agency, and one other who is an early childhood educator;
- h. Repealed by Session Laws 1998-212, s. 12.37B(a), effective October 30, 1998.
- h1. The Chair of the North Carolina Partnership Board shall be appointed by the ~~Governor~~members of the Board;
- i. Repealed by Session Laws 1998-212, s. 12.37B(a), effective October 30, 1998.
- j. One member of the public appointed by the General Assembly upon recommendation of the Majority Leader of the Senate;
- k. One member of the public appointed by the General Assembly upon recommendation of the Majority Leader of the House of Representatives;
- l. One member of the public appointed by the General Assembly upon recommendation of the Minority Leader of the Senate;
- m. One member of the public appointed by the General Assembly upon recommendation of the Minority Leader of the House of Representatives; and
- n. The Director of the ~~More at Four~~ NC Pre-Kindergarten Program, or the Director's designee.

All members appointed to succeed the initial members and members appointed thereafter shall be appointed for three-year terms. Members may succeed themselves.

All appointed board members shall avoid conflicts of interests and the appearance of impropriety. Should instances arise when a conflict may be perceived, any individual who may benefit directly or indirectly from the North Carolina Partnership's disbursement of funds shall abstain from

participating in any decision or deliberations by the North Carolina Partnership regarding the disbursement of funds.

All ex officio members are voting members. Each ex officio member may be represented by a designee. These designees shall be voting members. No members of the General Assembly shall serve as members.

The North Carolina Partnership may establish a nominating committee and, in making their recommendations of members to be appointed by the General Assembly or by the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Majority Leader of the Senate, the Majority Leader of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Governor shall consult with and consider the recommendations of this nominating committee.

The North Carolina Partnership may establish a policy on members' attendance, which policy shall include provisions for reporting absences of at least three meetings immediately to the appropriate appointing authority.

Members who miss more than three consecutive meetings without excuse or members who vacate their membership shall be replaced by the appropriate appointing authority, and the replacing member shall serve either until the General Assembly and the Governor can appoint a successor or until the replaced member's term expires, whichever is earlier.

The North Carolina Partnership shall establish a policy on membership of the local boards. No member of the General Assembly shall serve as a member of a local board. Within these requirements for local board membership, the North Carolina Partnership shall allow local partnerships that are regional to have flexibility in the composition of their boards so that all counties in the region have adequate representation.

All appointed local board members shall avoid conflicts of interests and the appearance of impropriety. Should instances arise when a conflict may be perceived, any individual who may benefit directly or indirectly from the partnership's disbursement of funds shall abstain from participating in any decision or deliberations by the partnership regarding the disbursement of funds.

..."

## COMMISSION FOR PUBLIC HEALTH

**SECTION 2.32.** Effective July 1, 2012, G.S. 130A-30 reads as rewritten:

**"§ 130A-30. Commission for Public Health – Members; selection; quorum; compensation.**

(a) The Commission for Public Health shall consist of ~~13~~11 members, four of whom shall be elected by the North Carolina Medical Society and ~~nine~~seven of whom shall be appointed by the Governor.

(b) One of the members appointed by the Governor shall be a licensed pharmacist, one a registered engineer experienced in sanitary engineering or a soil scientist, one a licensed veterinarian, one a licensed optometrist, one a licensed dentist, and one a registered nurse. The initial members of the Commission shall be the members of the State Board of Health who shall serve for a period equal to the remainder of their current terms on the State Board of Health, three of whose appointments expire May 1, 1973, and two of whose appointments expire May 1, 1975. At the end of the respective terms of office of initial members of the Commission, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission

created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

..."

## UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC TELEVISION BOARD OF TRUSTEES

**SECTION 2.33.** Effective July 1, 2012, G.S. 116-37.1 reads as rewritten:

### **§ 116-37.1. Center for public television.**

...

(b) The Center shall have a board of trustees, to be named "the Board of Trustees of the University of North Carolina Center for Public Television" (hereinafter called "the Board of Trustees"). The Board of Governors is hereby authorized and directed to establish the Board of Trustees of the Center and to delegate to the Board of Trustees such powers and duties as the Board of Governors deems necessary or appropriate for the effective discharge of the functions of the Center; provided, that the Board of Governors shall not be deemed by the provisions of this section to have the authority to delegate any responsibility it may have as licensee of the broadcast facilities of the University of North Carolina.

(1) The Board of Trustees of the University of North Carolina Center for Public Television shall be composed of the following membership: ~~four~~ four persons appointed by the Board of Governors; ~~four~~ two persons appointed by the Governor; two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121; and ex officio, the Secretary of the Department of Cultural Resources, the Secretary of the Department of Health and Human Services, the Superintendent of Public Instruction, the President of the Community College System, and the President of the University of North Carolina. In making initial appointments to the Board of Trustees, the Board of Governors shall designate six persons for two-year terms and five persons for four-year terms, and the Governor shall designate two persons for two-year terms and two persons for four-year terms. The initial members appointed to the Board of Trustees by the General Assembly shall serve for terms expiring June 30, 1983, and notwithstanding anything else in this section, their successors shall be appointed in 1983 and biennially thereafter for two-year terms. Thereafter, the term of office of appointed members of the Board of Trustees of the Center shall be four years. In making appointments to the Board of Trustees the appointing authorities shall give consideration to promoting diversity among the membership, to the end that, in meeting the responsibilities delegated to it, the Board of Trustees will reflect and be responsive to the diverse needs, interests, and concerns of the citizens of North Carolina.

..."

## SOCIAL SERVICES COMMISSION

**SECTION 2.34.** Effective July 1, 2012, G.S. 143B-154 reads as rewritten:

### **"§ 143B-154. Social Services Commission – members; selection; quorum; compensation.**

The Social Services Commission of the Department of Health and Human Services shall consist of ~~one member from each congressional district in the State, all of whom shall be~~ nine members appointed by the Governor for four-year ~~terms~~ terms beginning July 1.

~~The initial members of the Commission shall be the appointed members of the current Social Services Commission who shall serve for the remainder of their current terms and four additional members appointed by the Governor for terms expiring April 1, 1981. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, removal or disability of a member shall be for the balance of the unexpired term.~~

~~In the event that more than 11 congressional districts are established in the State, the Governor shall on July 1 following the establishment of such additional congressional districts appoint a member of the Commission from that congressional district.~~

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

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

A majority of the Commission shall constitute a quorum for the transaction of business.

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

## NORTH CAROLINA TEXTBOOK COMMISSION

**SECTION 2.35.** Effective July 1, 2012, G.S. 115C-87 reads as rewritten:

### "§ 115C-87. Appointment of Textbook Commission.

Shortly after assuming office, the Governor shall appoint a Textbook Commission of ~~23~~16 members who shall hold office for four years, or until their successors are appointed and qualified. The members of the Commission shall be appointed by the Governor upon recommendation of the Superintendent. ~~Five~~Three of these members shall be teachers or principals in grades K-5; ~~five~~three shall be teachers or principals in grades 6-8; four shall be superintendents, teachers, or principals in grades 9-12; ~~one shall be a superintendent of a local school administrative unit, three~~two shall be parents of students in grades K-5 at the time of appointment; ~~three~~two shall be parents of students in grades 6-8 at the time of appointment; and two shall be parents of students in grades 9-12 at the time of appointment. The Governor shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a ~~chairman, chair~~, subject to the approval of the Superintendent. The Commission shall meet four times a year or at the call of the chair. The members shall be entitled to compensation for each day spent on the work of the Commission as approved by the Board and to reimbursement for travel and subsistence expense incurred in the performance of their duties at the rates specified in G.S. 138-5(a). Compensation shall be paid from funds available to the State Board of Education."

## TOBACCO TRUST FUND COMMISSION

**SECTION 2.36.** G.S. 143-717 reads as rewritten:

### "§ 143-717. Commission.

...

(b) Membership. – The Commission shall consist of ~~18~~13 members. The Commission shall be appointed as follows: ~~six~~five members by the Governor, ~~six~~four members by the President Pro Tempore of the Senate, and ~~six~~four members by the Speaker of the House of Representatives. The members shall be appointed as follows:

(1) The Governor shall make the following appointments:

- a. ~~A flue-cured~~ tobacco farmer.
- b. ~~A flue-cured~~ tobacco farmer.
- c. A person in or displaced from tobacco-related employment.
- d. ~~An at-large appointee.~~

- 1 e. An at-large appointee.  
2 f. An at-large appointee.  
3 (2) The President Pro Tempore of the Senate shall make the following  
4 appointments:  
5 ~~a. A flue-cured tobacco farmer.~~  
6 b. A flue-cured tobacco farmer.  
7 c. A burley tobacco farmer.  
8 d. An at-large appointee.  
9 e. An at-large appointee.  
10 ~~f. An at-large appointee.~~  
11 (3) The Speaker of the House of Representatives shall make the following  
12 appointments:  
13 a. A flue-cured tobacco farmer.  
14 ~~b. A former flue-cured allotment holder who is not also a flue-cured~~  
15 ~~tobacco farmer.~~  
16 c. A burley tobacco farmer.  
17 d. An at-large appointee.  
18 e. An at-large appointee.  
19 f. An at-large appointee.

20 It is the intent of the General Assembly that the appointing authorities, in appointing  
21 members, shall appoint members who represent the geographic, political, gender, and racial  
22 diversity of the State. It is the intent of the General Assembly that at least one-half of the  
23 members of the Commission be tobacco farmers.

24 Except as provided for the initial members under subsection (c) of this section, members  
25 shall serve four-year terms beginning July 1. No member may serve more than two full  
26 consecutive terms. Members may continue to serve beyond their terms until their successors are  
27 duly appointed, but any holdover shall not affect the expiration date of the succeeding term.  
28 Vacancies shall be filled by the designated appointing authority for the remainder of the  
29 unexpired term. A member may be removed from office for cause by the authority that  
30 appointed that member.

31 (c) Initial Membership; Staggering. – To provide for a staggered membership, the  
32 members initially appointed to the Commission shall be appointed to staggered terms. Of the  
33 initial appointments to the Commission, the members initially appointed pursuant to  
34 sub-subdivisions ~~(b)(1)a., (b)(1)b., and (2)d., and (3)d.~~ of this section shall serve one-year terms  
35 ending on ~~June 30, 2001.~~ June 30, 2013. The members initially appointed pursuant to  
36 sub-subdivisions (b)(2)c., (2)e., (3)a., and (3)e. shall serve two-year terms ending on ~~June 30,~~  
37 ~~2002.~~ June 30, 2014. The members initially appointed pursuant to sub-subdivisions (b)(1)c.,  
38 ~~(1)d., (1)e., (2)b., and (3)c.~~ of this section shall serve three-year terms ending ~~June 30, 2003.~~  
39 June 30, 2015. The remaining members initially appointed pursuant to subsection (b) of this  
40 section shall serve four-year terms ending ~~June 30, 2004.~~ June 30, 2016.

41 ...

42 (f) Quorum; Majority. – ~~Ten~~ Seven members shall constitute a quorum of the  
43 Commission. The Commission may act upon a majority vote of the members of the  
44 Commission on matters involving the disbursement of funds and personnel matters properly  
45 before the Commission. On all other matters, the Commission may act by majority vote of the  
46 members of the Commission at a meeting at which a quorum is present.

47 ..."

## 49 NORTH CAROLINA INSTITUTE OF MEDICINE, BOARD OF DIRECTORS

### 50 SECTION 2.37. G.S. 90-470 reads as rewritten:

**"§ 90-470. Institute of Medicine.**

The persons appointed under the provisions of this section are declared to be a body politic and corporate under the name and style of the North Carolina Institute of Medicine, and by that name may sue and be sued, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this section. The corporation shall have perpetual succession.

The purposes for which the corporation is organized are to:

- (1) Be concerned with the health of the people of North Carolina;
- (2) Monitor and study health matters;
- (3) Respond authoritatively when found advisable;
- (4) Respond to requests from outside sources for analysis and advice when this will aid in forming a basis for health policy decisions.

~~The Governor shall appoint seven of the initial members of the North Carolina Institute of Medicine shall be appointed by the Governor. Medicine beginning July 1, 2012. The General Assembly shall appoint four members, two upon the recommendation of the President Pro Tempore of the Senate and two upon the recommendation of the Speaker of the House of Representatives to an initial term beginning July 1, 2012.~~

The initial members are authorized, prior to expanding the membership, to establish bylaws, to procure facilities, employ a director and staff, to solicit, receive and administer funds in the name of the North Carolina Institute of Medicine, and carry out other activities necessary to fulfill the purposes of this section.

The members shall select with the approval of the Governor additional members, so that the total membership will not exceed a number determined by the Board of Directors in its bylaws. The membership should be distinguished and influential leaders from the major health professions, the hospital industry, the health insurance industry, State and county government and other political units, education, business and industry, the universities, and the university medical centers.

The North Carolina Institute of Medicine may receive and administer funds from private sources, foundations, State and county governments, federal agencies, and professional organizations.

The director and staff of the North Carolina Institute of Medicine should be chosen from those well established in the field of health promotion and medical care.

For the purposes of Chapter 55A of the General Statutes, the members appointed under this section shall be considered the initial board of directors.

The North Carolina Institute of Medicine is declared to be under the patronage and control of the State.

The General Assembly reserves the right to alter, amend, or repeal this section."

**NORTH CAROLINA COUNCIL FOR WOMEN**

**SECTION 2.38.** G.S. 143B-394 reads as rewritten:

**"§ 143B-394. North Carolina Council for Women – members; selection; quorum; compensation.**

~~The North Carolina Council for Women of the Department of Administration shall consist of 20-11 members appointed by the Governor. The initial members of the Council shall be the appointed members of the North Carolina Council for Women, three of whose appointments expire June 30, 1977, and four of whose appointments expire June 30, 1978. Thirteen additional members shall be appointed in 1977, six of whom shall serve terms expiring June 30, 1978, and seven of whom shall serve terms expiring June 30, 1979. At the ends of the respective terms of office of the initial members of the Council and of the 13 members added in 1977, the appointment of their successors shall be for terms of two years and until their~~

1 ~~successors are appointed and qualify as follows:~~ Seven appointments by the Governor, two  
2 ~~appointments by the President Pro Tempore of the Senate, and two by the Speaker of the House~~  
3 ~~of Representatives. Initial terms for appointments by the Governor shall for two years. Initial~~  
4 ~~appointments by the President Pro Tempore and the Speaker of the House of Representative~~  
5 ~~shall be for four years. All subsequent terms shall be appointed for four years. Any~~  
6 ~~appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or~~  
7 ~~disability of a member shall be for the balance of the unexpired term. Members of the Council~~  
8 ~~shall be representative of age, sex, ethnic and geographic backgrounds.~~

9 ~~The Governor shall have the power to remove any member of the Council from office in~~  
10 ~~accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.~~  
11 ~~The appointing authority shall have the power to remove any member of the Commission~~  
12 ~~appointed by that authority from office for misfeasance, malfeasance and nonfeasance~~  
13 ~~according to applicable provisions of law.~~

14 ~~The Governor-Council shall designate a member of the Council to serve as chairman at the~~  
15 ~~pleasure of the Governor-chair.~~

16 Members of the Council shall receive per diem and necessary travel and subsistence  
17 expenses in accordance with the provisions of G.S. 138-5.

18 A majority of the Council shall constitute a quorum for the transaction of business.

19 All clerical and other services required by the Council shall be supplied by the Secretary of  
20 Administration."

## 21 22 NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT

23 SECTION 2.39. G.S. 143B-438.10 reads as rewritten:

### 24 "§ 143B-438.10. Commission on Workforce Development.

25 ...

26 (b) Membership; Terms. – The Commission on Workforce Development shall consist  
27 of ~~38-18~~ members appointed as follows:

28 (1) By virtue of their offices, the following department and agency heads or  
29 their respective designees shall serve on the Commission: the Secretary of  
30 the Department of Health and Human Services, the Assistant Secretary of  
31 Commerce in charge of the Division of Employment Security, the  
32 Superintendent of Public Instruction, the President of the Community  
33 Colleges System Office, the Commissioner of the Department of Labor, and  
34 the Secretary of the Department of Commerce.

35 (2) The Governor shall appoint ~~32-12~~ members as follows:

- 36 a. ~~Six-Two~~ members representing public, postsecondary, and vocational  
37 education.  
38 b. ~~Two members~~ One member representing a community-based  
39 ~~organizations-organization.~~  
40 c. ~~Six-Two~~ members representing labor.  
41 d. ~~Eighteen-Seven~~ members representing business and industry.

42 (3) The terms of the members appointed by the Governor shall be for four years.

43 ..."

## 44 45 ENVIRONMENTAL MANAGEMENT COMMISSION

46 SECTION 2.40. G.S. 143B-283 reads as rewritten:

47 "§ 143B-283. Environmental Management Commission – members; selection; removal;  
48 compensation; quorum; services.



1 (a) Membership. – The Environmental Management Commission shall consist of  
2 ~~13~~seven members appointed by the Governor. The Governor shall select the members so that  
3 the membership of the Commission shall consist of:

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

33 (b) Terms. – Members appointed by the Governor shall serve terms of office of six  
34 years. Any appointment to fill a vacancy on the Commission created by the resignation,  
35 dismissal, death or disability of a member shall be for the balance of the unexpired term. The  
36 Governor may reappoint a member of the Commission to an additional term if, at the time of  
37 the reappointment, the member qualifies for membership on the Commission under subsection  
38 (a) of this section.

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

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

44 (b3) Quorum. – A majority of the Commission shall constitute a quorum for the  
45 transaction of business.

46 (b4) Staff. – All clerical and other services required by the Commission shall be supplied  
47 by the Secretary of Environment and Natural Resources.

48 (c) Conflicts of interest. – Nine of the members appointed by the Governor under this  
49 section shall be persons who do not derive any significant portion of their income from persons  
50 subject to permits or enforcement orders under this Chapter. The Governor shall require

adequate disclosure of potential conflicts of interest by members. The Governor, by executive order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section, giving due regard to the requirements of federal legislation, and for this purpose may promulgate rules, regulations or guidelines in conformance with those established by any federal agency interpreting and applying provisions of federal law.

(d) General Assembly Appointments. – In addition to the members designated by subsection (a) of this section, the General Assembly shall appoint six members, three upon the recommendation of the Speaker of the House of Representatives, and three upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Members appointed by the General Assembly shall serve terms of two years."

**SECTION 2.40.(b)** G.S. 143B-284 reads as rewritten:

**"§ 143B-284. Environmental Management Commission – officers.**

The Environmental Management Commission shall have a ~~chairman~~chair and a ~~vice chairman~~vice chair. The ~~chairman~~chair shall be designated ~~by the Governor~~ from among the members of the ~~Commission to serve as chairman at the pleasure of the Governor~~Commission. The ~~vice chairman~~vice chair shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term whichever comes first."

**SECTION 2.41.** Unless otherwise provided, Sections 2.24 through 2.40 become effective July 1, 2012. If the terms of office being eliminated in this Subpart have not been set out by this act, then the appointing authorities shall determine by August 1, 2012, which terms to eliminate to achieve the membership totals pursuant to this Subpart.

### **PART III. MISCELLANEOUS AND CONFORMING CHANGES**

#### **E-NC AUTHORITY**

**SECTION 3.1.** Section 1.16 of S.L. 2011-176 and Section 3.6 of S.L. 2011-406 are repealed.

#### **EARLY CHILDHOOD VISION CONFORMING CHANGE**

**SECTION 3.3.** G.S. 130A-440.1 reads as rewritten:

**"§ 130A-440.1. Early Childhood Vision Care.**

...

(f) No child shall be excluded from attending school for a parent's failure to obtain a comprehensive eye examination required under this section. If a parent fails or refuses to obtain a comprehensive eye examination or to provide the certification of a comprehensive eye examination, the school shall send a written reminder to the parent of required eye examinations ~~and shall include information about funds that may be available from the Governor's Commission on Early Childhood Vision Care examinations.~~

#### **EMPLOYEE HOSPITAL AND MEDICAL BENEFITS**

**SECTION 3.4.** G.S. 58-50-180 reads as rewritten:

**"§ 58-50-180. Risk Pool established; board of directors; plan of operation.**

...

(g) The Executive Director shall make an annual report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Commissioner, and the Joint

Legislative Oversight Committee on Health and Human Services, and the Committee on Employee Hospital and Medical Benefits. Services. The report shall summarize the activities of the Pool in the preceding calendar year, including the net written and earned premiums, benefit plan enrollment, the expense of administration, and the paid and incurred losses."

## **NORTH CAROLINA CEMETERY COMMISSION**

**SECTION 3.5.(a)** G.S. 65-49 reads as rewritten:

### **"§ 65-49. The North Carolina Cemetery Commission.**

There is hereby established ~~in the Department of Commerce a~~ The North Carolina Cemetery Commission is established with the power and duty to adopt rules and regulations to be followed in the enforcement of this Article."

**SECTION 3.5.(b)** G.S. 65-50 reads as rewritten:

### **"§ 65-50. Cemetery Commission; members, selection, quorum.**

(a) Membership. – The Cemetery Commission shall consist of nine members. The General Assembly shall appoint two ~~members, members who own or manage a cemetery in North Carolina,~~ one of whom shall be recommended by the President Pro Tempore of the Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

- (1) Two members who own or manage cemeteries in North Carolina.
- (2) Three members who are selected from six nominees submitted by the North Carolina Cemetery Association.
- (3) Two public members who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. ~~Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.~~

(b1) Any vacancy shall be filled by the authority originally filling that position, except than any vacancy in appointments by the General Assembly shall be filled in accordance with G.S. 120-122.

(c) Removal. – The appointing authority shall have the power to remove any member of the Commission appointed by that authority from office for misfeasance, malfeasance and nonfeasance according to applicable provisions of law.

(d) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

(e) ~~Chair, Officers.~~ – At the first meeting of the Commission held after September 1, 1975, the Commission shall elect one of its members as its ~~chairman~~ chair and another as its ~~vice-chairman, vice-chair,~~ both to serve through June 30 of the next following year. Thereafter, at its first meeting held on or after July 1 of each year, the Commission shall elect from its members a ~~chairman and vice-chairman to serve through June 30 of the next following year,~~ year-president, vice-president, and secretary-treasurer with no two offices to be held by the same person. All officers shall serve for a term of one year and shall serve until their successors are elected and qualified. "

**SECTION 3.5.(c)** G.S. 65-51 reads as rewritten:

### **"§ 65-51. Principal office.**

The principal office of the Commission shall be in the City of Raleigh, North Carolina. Notice of all regular and special meetings of the Commission shall be advertised 10 or more

1 days in advance in at least three newspapers in North Carolina having inter-county circulation  
2 in the State. Each member of the Commission shall receive per diem and allowances in  
3 accordance with ~~G.S. 138-5~~ G.S. 93B-5. ~~The administrator~~ Members of the  
4 ~~Commission~~ Commission and other employees required to attend and legal counsel to the  
5 Commission shall be entitled to actual expenses while attending regular or special meetings of  
6 the Commission held other than in Raleigh, North Carolina. All salaries, compensation, and  
7 expenses of the Commission shall be paid from funds coming to the Commission pursuant to  
8 this Article. In no case shall any salary, compensation, or other expense of the Commission be  
9 charged against the General Fund."

10 **SECTION 3.5.(d)** G.S. 65-53 reads as rewritten:

11 **"§ 65-53. Powers.**

12 In addition to other powers conferred by this Article, the Cemetery Commission shall have  
13 the following powers and duties:

14 ~~(1) The administrator shall be appointed by the Governor upon recommendation~~  
15 ~~of the Cemetery Commission. The compensation of the administrator and~~  
16 ~~such other personnel as is necessary to operate the Commission is subject to~~  
17 ~~the provisions of Chapter 126 of the General Statutes of North Carolina. The~~  
18 ~~Commission is authorized and empowered to~~ To employ such staff, including  
19 legal counsel, as may be necessary necessary to perform its duties and  
20 determine the compensation of its employees.

21 (2) To examine a cemetery company's records when a person applies for a  
22 change of control of the company.

23 (3) Investigate, upon its own initiative or upon a verified complaint in writing,  
24 the actions of any person engaged in the business or acting in the capacity of  
25 a licensee under this Article. The license of a licensee may be revoked or  
26 suspended for a period not exceeding two years, or until compliance with a  
27 lawful order imposed in the final order of suspension, or both, where the  
28 licensee in performing or attempting to perform any of the acts specified in  
29 this Article has been guilty of:

- 30 a. Failing to pay the fees required herein;
- 31 b. Failing to make any reports required by this Article;
- 32 c. Failing to remit to the care and maintenance trust fund, merchandise  
33 trust fund, or preconstruction trust fund the required amounts;
- 34 d. Making any substantial misrepresentation;
- 35 e. Making any false statement of a character likely to influence or  
36 persuade;
- 37 f. A continued and flagrant course of misrepresentation or making of  
38 false promises through cemetery agents or salesmen;
- 39 g. Violating any provision of this Article or rule promulgated by the  
40 Commission; or
- 41 h. Any other conduct, whether of the same or a different character than  
42 specified in this section, which constitutes fraud or dishonest dealing.

43 ~~(4) In all proceedings under this Article for the revocation or suspension of~~  
44 ~~licenses, the provisions of Chapter 150B of the General Statutes shall be~~  
45 ~~applicable. To hold hearings in accordance with the provisions of this Article~~  
46 and Article 3A of Chapter 150B of the General Statutes to subpoena  
47 witnesses and to administer oaths to or receive the affirmation of witnesses  
48 before the Commission.

49 In any show cause hearing before the Commission held under the  
50 authority of Article 3A of Chapter 150B of the General Statutes where the

Commission imposes discipline against a licensee, the Commission may recover the costs, other than attorneys' fees, of holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars (\$2,500).

- (5) ~~At such time as the Commission finds it necessary it may bring an action in the name of the State in the court of the county in which the place of business is located against such person to enjoin such person from engaging in or continuing such violation or doing any act or acts in furtherance thereof. To apply to the courts, in its own name, for injunctive relief to prevent violations of this Article or violations of any rules adopted pursuant to this Article. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke the injunctive relief under this subdivision.~~ In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper; provided, that before any such action is brought the Commission shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the violation. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the court shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this Article through or by means of the use of said property and business. The Commission may institute proceedings against the cemetery or its officers, whereafter an examination, pursuant to this Article, a shortage in the care and maintenance trust fund, merchandise trust fund or mausoleum and belowground crypts preconstruction trust fund is discovered, to recover said shortage.
- (6) Whenever any special additional audit or examination of a licensee's premises, facilities, books or records is necessary because of the failure of the licensee to comply with the requirements imposed in this Article or by the rules and regulations of the Commission, to charge a fee based on the cost of the special examination or audit, taking into consideration the salary of any employees involved in the special audit or examination and any expenses incurred.
- (7) ~~Promulgate~~ To promulgate rules and regulations requiring licensees to file with the Commission plans and specifications for the minimum quality of any product sold. The sale of any product for which plans and specifications required by the rules and regulations have not been filed or sale of any product of a lesser quality than the plans and specifications filed with the Commission is a violation of this Article.
- (8) When the Commission finds that failure by a licensee to maintain a cemetery properly has caused that cemetery to be a public nuisance or a health or safety hazard, the Commission may bring an action for injunctive relief, against the responsible licensee, in the superior court of the county in which the cemetery or any part thereof is located.
- (9) To acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only

1 to approval of the Governor and Council of State. Collateral pledged by the  
2 Commission for an encumbrance is limited to the assets, incomes, and  
3 resources of the Commission.

4 (10) To purchase, rent, or lease equipment and supplies and purchase liability  
5 insurance to cover the activities of the Commission, its operations, or its  
6 employees."

7 **SECTION 3.5.(e)** Article 9 of Chapter 65 of the General Statutes is amended by  
8 adding a new section to read:

9 **"§ 65-53.1. Inspectors.**

10 (a) The Commission may appoint one or more agents who shall serve at the pleasure of  
11 the Commission and who shall have the title "Inspector of the North Carolina Cemetery  
12 Commission."

13 (b) To determine compliance with the provisions of this Article and regulations  
14 promulgated under this Article, inspectors may:

15 (1) Enter the office, establishment, or place of business in North Carolina of any  
16 cemetery broker, cemetery company, cemetery management organization,  
17 cemetery sales organization, or preneed sales licensee to inspect the records,  
18 office, establishment, or facility, or to inspect the practice conducted or  
19 license of any licensee.

20 (2) Inspect criminal and probation records of licensees and applicants for  
21 licenses under this Article to obtain evidence of their character.

22 (c) Inspectors may serve papers and subpoenas issued by the Commission or any office  
23 or member thereof under authority of this Article, and shall perform other duties prescribed or  
24 ordered by the Commission.

25 (d) The Commission may prescribe an inspection form to be used by the inspectors in  
26 performing their duties.

27 (e) Upon request by the Commission, the Attorney General of North Carolina shall  
28 provide the inspectors with appropriate identification cards signed by the Attorney General or  
29 his or her designated agent. In lieu of identification cards, the Commission may design and  
30 issue badges to inspectors."

31 **SECTION 3.5.(f)** Article 9 of Chapter 65 of the General Statutes is amended by  
32 adding a new section to read:

33 **"§ 65-54.1. Commission records are confidential.**

34 Records, papers, and other documents containing information collected or compiled by the  
35 Commission, its members, or employees, as a result of a complaint, investigation, inquiry, or  
36 interview in connection with an application for license, or in connection with a license holder's  
37 professional ethics and conduct, shall not be considered public records within the meaning of  
38 Chapter 132 of the General Statutes. Any notice or statement of charges against a license holder  
39 or applicant, or any notice to a license holder or applicant of a hearing to be held by the  
40 Commission is a public record even though it may contain information collected and compiled  
41 as a result of a complaint, investigation, inquiry, or interview conducted by the Commission. If  
42 any record, paper, or other document containing information collected and compiled by the  
43 Commission is admitted into evidence in a hearing held by the Commission, it shall then be a  
44 public record within the meaning of Chapter 132 of the General Statutes."

45 **SECTION 3.5.(g)** G.S. 143B-433(1) reads as rewritten:

46 **"§ 143B-433. Department of Commerce – organization.**

47 The Department of Commerce shall be organized to include:

48 (1) The following agencies:

- 49 a. The North Carolina Alcoholic Beverage Control Commission.  
50 b. The North Carolina Utilities Commission.

- 1 c. Repealed by Session Laws 2011-401, s. 1.5, effective November 1,  
2 2011.
- 3 d. The North Carolina Industrial Commission.
- 4 e. State Banking Commission.
- 5 f. Savings Institutions Division.
- 6 g. Repealed by Session Laws 2001-193, s. 11, effective July 1, 2001.
- 7 h. Credit Union Commission.
- 8 i. Repealed by Session Laws 2004-199, s. 27(d), effective August 17,  
9 2004.
- 10 j. The North Carolina Mutual Burial Association Commission.
- 11 ~~k. North Carolina Cemetery Commission.~~
- 12 l. The North Carolina Rural Electrification Authority.
- 13 m. Repealed by Session Laws 1985, c. 757, s. 179(d).
- 14 n. North Carolina Science and Technology Research Center.
- 15 o. Repealed by Session Laws 2011-145, s. 14.6(g), effective July 1,  
16 2011.
- 17 p. Repealed by Session Laws 2010-180, s. 7(f), effective August 2,  
18 2010.
- 19 q. Economic Development Board.
- 20 r. Labor Force Development Council.
- 21 s., t. Repealed by Session Laws 2000, c. 140, s. 76(j), effective  
22 September 30, 2000.
- 23 u. Navigation and Pilotage Commissions established by Chapter 76 of  
24 the General Statutes.
- 25 v. Repealed by Session Laws 1993, c. 321, s. 313b."

26 **SECTION 3.5.(h)** Section 14.7(a) of S.L. 2011-145 reads as rewritten:

27 **"SECTION 14.7.(a)** In consultation with the Fiscal Research Division, the Department of  
28 Commerce and the ABC Commission, State Banking Commission, Credit Union Division,  
29 ~~Cemetery Commission~~, Utilities Commission, Utilities Commission Public Staff, and the Rural  
30 Electrification Authority shall study the following: (i) the types of services provided by the  
31 Department of Commerce to each of the agencies during each fiscal year; and (ii) formulas or  
32 methods to be used to determine the costs of the services, including the advantages and  
33 disadvantages of each formula or method. The Department of Commerce and each of the  
34 agencies shall prepare a joint recommendation as to which formula or method to determine the  
35 costs of the services should be used. In addition, the Department of Commerce and each of the  
36 agencies shall develop a memorandum of understanding that details the services to be provided  
37 by the Department of Commerce during each fiscal year."

38 **SECTION 3.5.(i)** This section is effective when it becomes law.

39  
40 **DIRECTOR OF THE MUSEUM OF ART**

41 **SECTION 3.7.** G.S. 140-5.15 reads as rewritten:

42 **"§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties;  
43 staff.**

44 (a) ~~The Secretary of Cultural Resources~~ Director's Committee shall appoint the Director  
45 of the North Carolina Museum of Art ~~from a list of not fewer than two nominees recommended~~  
46 ~~by the Board of Trustees of the North Carolina Museum of Art and may dismiss the Director.~~  
47 The Director's Committee shall evaluate the performance of the Director and shall determine  
48 the Director's compensation within the limitations of available funding.

49 ~~(b) The Secretary of Cultural Resources may dismiss the Director unless two thirds of~~  
50 ~~the authorized membership of the Board of Trustees shall vote to reverse that action in~~

~~accordance with the following procedure: Upon dismissal of the Director, the Secretary shall give to the chairman of the Board of Trustees written notice of that action. This notice shall be sent to the chairman of the Board within 10 days after the Secretary makes a final decision on dismissal. The chairman shall promptly communicate the notice of dismissal to all other Board members. Board action to consider reversal of the Secretary's decision shall be taken at a regular or special meeting called pursuant to G.S. 140-5.13(h). Reversal of the Secretary's order of dismissal may be effected only by resolution adopted by an affirmative vote of two thirds of the authorized membership of the Board of Trustees at a meeting held within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director. All ex-officio members of the Board shall be entitled to vote on this question. The failure of two thirds of the authorized membership of the Board of Trustees to vote to reverse the Secretary's order of dismissal within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director shall be deemed an affirmance of that order by the Board.~~

(b1) The Director's Committee shall consist of the following members:

(1) The Secretary of Cultural Resources.

(2) The Chair of the Board of Trustees of the North Carolina Museum of Art.

(3) One member designated by the Board of Trustees of the North Carolina Museum of Art.

(4) The President of the Board of Directors of the North Carolina Museum of Art Foundation, Inc., or other designated representative of the Board.

(5) One member designated by the Board of the North Carolina Museum of Art Foundation, Inc.

(c) The State-funded portion of the salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act.

(d) The Director shall have the following powers and duties:

(1) Under the supervision of the Board of Trustees, to direct and administer the North Carolina Museum of Art in accordance with the policies, rules, and regulations adopted by the Board of Trustees;

(2) To employ such persons as are necessary to perform the functions of the North Carolina Museum of Art and are provided for in the budget of the Museum and to promote, demote, and dismiss such persons in accordance with State personnel policies, rules, and regulations. This paragraph shall not apply to associate directors and curators;

(3) To serve as director of collections of the North Carolina Museum of Art;

(4) To serve as Secretary to the Board of Trustees.

(e) The Director, associate directors, and curators shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the Secretary of Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators."

## **NORTH CAROLINA BOARD OF LICENSING OF SOIL SCIENTISTS**

**SECTION 3.9.** G.S. 89F-25 reads as rewritten:

### **§ 89F-25. Fees.**

(a) The Board shall determine fees for the following services that shall not exceed the amounts specified in this section:

Application	\$ 50.00
Examination	125.00
License	85.00
Renewal	85.00



1 Restoration 110.00  
2 Replacement license 50.00  
3 Seal 30.00.  
4 (b) Examination fees shall not exceed the national exam fee as set by the examination  
5 vendor selected by the board."  
6

## 7 STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

### 8 SECTION 3.10. G.S. 87-39(a) reads as rewritten:

9 "(a) The State Board of Examiners of Electrical Contractors shall continue as the State  
10 agency responsible for the licensing of persons engaging in electrical contracting within this  
11 State, and shall consist of eight members appointed as follows:

12 (1) ~~one~~ One member from the North Carolina Department of Insurance to be  
13 designated by the Commissioner of ~~Insurance~~ Insurance.

14 (2) ~~one member~~ Two members who ~~has~~ have satisfied the requirements for an  
15 unlimited license as defined in G.S. 87-43.3 and who ~~is a representative~~ are  
16 representatives of the North Carolina Association of Electrical Contractors  
17 to be designated by the governing body of that ~~organization~~ organization.

18 (3) Two members who have satisfied the requirements for an unlimited license  
19 as defined in G.S. 87-43.3 and who are representatives of the Carolinas  
20 Electrical Contractors Association to be designated by the governing body of  
21 that organization.

22 (4) ~~and five~~ Three members to be appointed by the Governor:

23 a. ~~one~~ One from the faculty of The Greater University of North  
24 Carolina who teaches or does research in the field of electrical  
25 ~~engineering~~ engineering.

26 b. ~~one~~ One who is serving as a chief electrical inspector of a  
27 municipality or county in North Carolina, ~~one who has satisfied the~~  
28 ~~requirements for an unlimited license as defined in G.S. 87-43.3 and~~  
29 ~~who is a representative of the Carolinas Electrical Contractors~~  
30 ~~Association operating a sole proprietorship, partnership or~~  
31 ~~corporation located in North Carolina which is actively engaged in~~  
32 ~~the business of electrical contracting, and~~ Carolina.

33 c. ~~two~~ One who ~~have~~ has no ties with the construction industry and who  
34 ~~represent~~ represents the interest of the public at large."  
35

## 36 BOARD OF FUNERAL SERVICE

37 SECTION 3.11. Article 13A of Chapter 90 of the General Statutes is amended by  
38 adding a new section to read:

### 39 "§90-210.25B. Persons who shall not be licensed under this Article.

40 (a) The board shall not issue or renew any licensure, permit, or registration to any  
41 person or entity who has been convicted of a sexual offense against a minor.

42 (b) For purposes of this Article, the term "sexual offense against a minor" means a  
43 conviction of any of the following offenses: G.S. 14-27.4A(a) (sex offense with a child; adult  
44 offender), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years  
45 old where the defendant is at least six years older), G.S. 14-190.16 (first degree sexual  
46 exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S.  
47 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting  
48 prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1  
49 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or  
50 certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking

indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term shall also include a conviction of the following: any attempt, solicitation, or conspiracy to commit any of these offenses or any aiding and abetting any of these offenses. The term shall also include a conviction in another jurisdiction for an offense which if committed in this State has the same or substantially similar elements to an offense against a minor as defined by this section.

(c) If a person or entity holding a license, permit or registration in another jurisdiction has the license revoked, suspended, or placed on probation because of a felony conviction other than those enumerated above, the board shall impose a sanction equal or greater to the sanction imposed by the other jurisdiction.

(d) If a person or entity holding a license, permit, or registration in another jurisdiction has the license revoked, suspended or placed on probation because of conduct related to fitness to practice as described in G.S. 90-210.25(e), the board shall impose a sanction equal to or greater than the sanction imposed by the other jurisdiction."

## NORTH CAROLINA VETERINARY MEDICAL BOARD FEES

SECTION 3.12. G.S. 90-186 reads as rewritten:

### "§ 90-186. Special powers of the Board.

In addition to the powers set forth in G.S. 90-185 above, the Board may:

...

- (6) Set and require fees pursuant to administrative rule for the following:
  - a. Issuance or renewal of a certificate of registration for a professional corporation, in an amount not to exceed ~~one hundred fifty dollars (\$150.00)~~ four hundred fifty dollars (\$450.00).
  - b. Administering a North Carolina license examination, in an amount not to exceed ~~two hundred fifty dollars (\$250.00)~~ seven hundred fifty dollars (\$750.00).
  - c. Securing and administering national examinations, including the National Board Examination or the Clinical Competency Test, in amounts directly related to the costs to the Board.
  - d. Inspection of a veterinary practice facility in an amount not to exceed ~~seventy five dollars (\$75.00)~~ two hundred fifty dollars (\$250.00).
  - e. Issuance or renewal of a license or a limited license in an amount not to exceed ~~one hundred fifty dollars (\$150.00)~~ four hundred fifty dollars (\$450.00).
  - f. Issuance or renewal of a veterinary faculty certificate, in an amount not to exceed ~~one hundred fifty dollars (\$150.00)~~ four hundred fifty dollars (\$450.00).
  - g. Issuance or renewal of a zoo veterinary certificate, in an amount not to exceed ~~one hundred fifty dollars (\$150.00)~~ four hundred fifty dollars (\$450.00).
  - h. Reinstatement of an expired license, a limited license, a veterinary faculty certificate, a zoo veterinary certificate, a veterinary technician registration, or a professional corporation registration in an amount not to exceed one hundred dollars (\$100.00).
  - i. Issuance or renewal of a veterinary technician registration, in an amount not to exceed ~~fifty dollars (\$50.00)~~ one hundred fifty dollars (\$150.00).

- j. Issuance of a veterinary student intern registration, in an amount not to exceed ~~twenty-five dollars (\$25.00)~~seventy-five dollars (\$75.00).
- k. Issuance of a veterinary student preceptee registration, in an amount not to exceed ~~twenty-five dollars (\$25.00)~~seventy-five dollars (\$75.00).
- l. Late fee for renewal of a license, a limited license, a veterinary technician registration, a veterinary faculty certificate, a zoo veterinary certificate, or a professional corporation registration, in an amount not to exceed fifty dollars (\$50.00).
- m. Issuance of a temporary permit to practice veterinary medicine in an amount not to exceed ~~one hundred fifty dollars (\$150.00)~~four hundred fifty dollars (\$450.00).
- n. Providing copies, upon request, of Board publications, rosters, or other materials available for distribution from the Board, in an amount determined by the Board that is reasonably related to the costs of providing those copies.

The fees set under this subdivision for the renewal of a license, a limited license, a registration, or a certificate apply to each year of the renewal period.

..."

## ROANOKE RIVER BASIN BI-STATE COMMISSION

**SECTION 3.13.(a)** G.S. 77-92 reads as rewritten:

### "§ 77-92. Membership; terms of office; eligibility for appointment.

(a) The Roanoke River Basin Bi-State Commission shall consist of 18 members with each state appointing nine members. The North Carolina delegation to the Commission shall consist of ~~the six members of the General Assembly of North Carolina appointed the following members:~~

- (1) Three members of the North Carolina House of Representatives appointed by the Speaker of the House of Representatives.
- (2) Three members of the North Carolina Senate appointed by the President Pro Tempore of the Senate. ~~to the North Carolina Roanoke River Basin Advisory Committee and three~~
- (3) Three nonlegislative members of the North Carolina Roanoke River Basin Advisory Committee, established pursuant to G.S. 77-103, who represent different geographical areas of the North Carolina portion of the Basin and who reside within the Basin's watershed, to be appointed by the Governor of North Carolina.
- (4) The Virginia delegation to the Commission shall be appointed as determined by the Commonwealth of Virginia.

..."

**SECTION 3.13.(b)** G.S. 77-93 reads as rewritten:

### "§ 77-93. Powers and duties.

...

(b) To perform its duties and objectives, the Commission shall have the following powers:

- (2) To establish standing and ad hoc advisory committees pursuant to G.S. 77-94 in addition to the North Carolina Roanoke River Basin Advisory Committee established pursuant to Part 2 of this Article and the Virginia Roanoke River Basin Advisory Committee established pursuant to Chapter

1                   5.4 of Title 62.1 of the Code of Virginia, which shall be constituted in a  
2                   manner to ensure a balance between recognized interests. The Commission  
3                   shall determine the purpose of each advisory committee.  
4                   ..."

5  
6 **PART IV. EFFECTIVE DATE.**

7                   **SECTION 4.** Unless otherwise provided, this act is effective when it becomes law.