

Chapter 143B.
Executive Organization Act of 1973.
Article 1.
General Provisions.
Part 1. In General.

§ 143B-1. Short title.

This Chapter shall be known and may be cited as the "Executive Organization Act of 1973." (1973, c. 476, s. 1.)

§ 143B-2. Interim applicability of the Executive Organization Act of 1973.

The Executive Organization Act of 1973 shall be applicable only to the following named departments:

- (1) Department of Cultural Resources
- (2) Department of Health and Human Services
- (3) Department of Revenue
- (4) Department of Public Safety
- (5) Division of Adult Correction of the Department of Public Safety
- (6) Department of Environment and Natural Resources
- (7) Department of Transportation
- (8) Department of Administration
- (9) Department of Commerce
- (10) Division of Juvenile Justice of the Department of Public Safety. (1973, c. 476, s. 2; c. 620, s. 9; c. 1262, ss. 10, 86; 1975, c. 716, s. 5; c. 879, s. 46; 1977, c. 70, s. 22; c. 198, s. 21; c. 771, s. 4; 1989, c. 727, s. 218(121); c. 751, s. 7(18); 1991 (Reg. Sess., 1992), c. 959, s. 37; 1997-443, ss. 11A.118(a), 11A.119(a); 2000-137, s. 4(l); 2011-145, s. 19.1(g), (h), (l).)

§ 143B-3. Definitions.

As used in the Executive Organization Act of 1973, except where the context clearly requires otherwise, the words and expressions defined in this section shall be held to have the meanings here given to them.

- (1) Agency: whenever the term "agency" is used it shall mean and include, as the context may require, an existing department, institution, commission, committee, board, division, bureau, officer or official.
- (2) Board: a collective body which assists the head of a principal department or his designee in the development of major programs including the tender of advice on departmental priorities.
- (3) Commission: a collective body which adopts rules and regulations in a quasi-legislative manner and which acts in a quasi-judicial capacity in rendering findings or decisions involving differing interests.
- (4) Committee: a collective body which either advises the head of a principal department or his designee or advises a commission in detailed technical areas.
- (5) Council: a collective body which advises the head of a principal department or his designee as representative of citizen advice in specific areas of interests.
- (6) Division: the principal subunit of a principal State department.
- (7) Head of department: head of one of the principal State departments.
- (8) Higher education: State senior institutions of higher learning.

- 1 (9) Principal State department: one of the departments created by the General
2 Assembly in compliance with Article III, Sec. 11, of the Constitution of
3 North Carolina. (1973, c. 476, s. 3.)
4

5 **§ 143B-4. Policy-making authority and administrative powers of Governor; delegation.**

6 The Governor, in accordance with Article III of the Constitution of North Carolina, shall be
7 the Chief Executive Officer of the State. The Governor shall be responsible for formulating and
8 administering the policies of the executive branch of the State government. Where a conflict
9 arises in connection with the administration of the policies of the executive branch of the State
10 government with respect to the reorganization of State government, the conflict shall be
11 resolved by the Governor, and the decision of the Governor shall be final. (1973, c. 476, s. 4.)
12

13 **§ 143B-5. Governor; continuation of powers and duties.**

14 All powers, duties, and functions vested by law in the Governor or in the Office of
15 Governor are continued except as otherwise provided by the Executive Organization Act of
16 1973.

17 The immediate staff of the Governor shall not be subject to the State Personnel Act. (1973,
18 c. 476, s. 5.)
19

20 **§ 143B-6. Principal departments.**

21 In addition to the principal departments enumerated in the Executive Organization Act of
22 1971, all executive and administrative powers, duties, and functions not including those of the
23 General Assembly and its agencies, the General Court of Justice and the administrative
24 agencies created pursuant to Article IV of the Constitution of North Carolina, and higher
25 education previously vested by law in the several State agencies, are vested in the following
26 principal departments:

- 27 (1) Department of Cultural Resources
28 (2) Department of Health and Human Services
29 (3) Department of Revenue
30 (4) Department of Public Safety
31 (5) Division of Adult Correction of the Department of Public Safety
32 (6) Department of Environment and Natural Resources
33 (7) Department of Transportation
34 (8) Department of Administration
35 (9) Department of Commerce
36 (10) Community Colleges System Office
37 (11) Division of Juvenile Justice of the Department of Public Safety. (1973, c.
38 476, s. 6; c. 620, s. 9; c. 1262, ss. 10, 86; 1975, c. 716, s. 5; c. 879, s. 46;
39 1977, c. 70, s. 23; c. 198, s. 22; c. 771, s. 4; 1979, 2nd Sess., c. 1130, s. 3;
40 1989, c. 727, s. 218(122); c. 751, s. 7(19); 1991 (Reg. Sess., 1992), c. 959, s.
41 38; 1997-443, ss. 11A.118(a), 11A.119(a); 1999-84, s. 23; 2000-137, s.
42 4(mm); 2011-145, s. 19.1(g), (h), (l).)
43

44 **§ 143B-7. Continuation of functions.**

45 Each principal State department shall be considered a continuation of the former agencies
46 to whose power it has succeeded for the purpose of succession to all rights, powers, duties, and
47 obligations of the former agency. Where a former agency is referred to by law, contract, or
48 other document, that reference shall apply to the principal State department now exercising the
49 functions of the former agency. (1973, c. 476, s. 7.)
50

51 **§ 143B-8. Unassigned functions.**

1 All functions, duties, and responsibilities established by law that are not specifically
2 assigned to any principal State department may be assigned by the Governor to that department
3 which, in accordance with the organization of State government, can most appropriately and
4 effectively perform those functions, duties, and responsibilities. This provision shall not apply
5 to professional and occupational licensing boards or to higher education. (1973, c. 476, s. 8.)
6

7 **§ 143B-9. Appointment of officers and employees.**

8 The head of each principal State department, except those departments headed by popularly
9 elected officers, shall be appointed by the Governor and serve at his pleasure.

10 The salary of the head of each of the principal State departments and of elected officials
11 shall be as provided by law.

12 The head of a principal State department shall appoint a chief deputy or chief assistant, and
13 such chief deputy or chief assistant shall not be subject to the State Personnel Act. The salary of
14 such chief deputy or chief assistant shall, upon the recommendation of the Governor, be set by
15 the General Assembly. Unless otherwise provided for in the Executive Organization Act of
16 1973, and subject to the provisions of the Personnel Act, the head of each principal State
17 department shall designate the administrative head of each transferred agency and all
18 employees of each division, section, or other unit of the principal State department. (1973, c.
19 476, s. 9; 1977, c. 802, s. 42.20; 1983, c. 717, s. 51.)
20

21 **§ 143B-10. Powers and duties of heads of principal departments.**

22 (a) Assignment of Functions. – Except as otherwise provided by this Chapter, the head
23 of each principal State department may assign or reassign any function vested in him or in his
24 department to any subordinate officer or employee of his department.

25 (b) Reorganization by Department Heads. – With the approval of the Governor, each
26 head of a principal State department may establish or abolish within his department any
27 division. Each head of a principal State department may establish or abolish within his
28 department any other administrative unit to achieve economy and efficiency and in accordance
29 with sound administrative principles, practices, and procedures except as otherwise provided by
30 law. When any such act of the head of the principal State department affects existing law the
31 provisions of Article III, Sec. 5(10) of the Constitution of North Carolina shall be followed.

32 Each Department Head shall report all reorganizations under this subsection to the
33 President of the Senate, the Speaker of the House of Representatives, the Chairmen of the
34 Appropriations Committees in the Senate and the House of Representatives, and the Fiscal
35 Research Division of the Legislative Services Office, within 30 days after the reorganization if
36 the General Assembly is in session, otherwise to the Joint Legislative Committee on
37 Governmental Operations and the Fiscal Research Division of the Legislative Services Office,
38 within 30 days after the reorganization. The report shall include the rationale for the
39 reorganization and any increased efficiency in operations expected from the reorganization.

40 (c) Department Staffs. – The head of each principal State department may establish
41 necessary subordinate positions within his department, make appointments to those positions,
42 and remove persons appointed to those positions, all within the limitations of appropriations
43 and subject to the State Personnel Act. All employees within a principal State department shall
44 be under the supervision, direction, and control of the head of that department. The head of
45 each principal State department may establish or abolish positions, transfer officers and
46 employees between positions, and change the duties, titles, and compensation of existing
47 offices and positions as he deems necessary for the efficient functioning of the department,
48 subject to the State Personnel Act and the limitations of available appropriations. For the
49 purposes of the foregoing provisions, a member of a board, commission, council, committee, or
50 other citizen group shall not be considered an "employee within a principal department."

1 (d) Appointment of Committees or Councils. – The head of each principal department
2 may create and appoint committees or councils to consult with and advise the department. The
3 General Assembly declares its policy that insofar as feasible, such committees or councils shall
4 consist of no more than 12 members, with not more than one from each congressional district.
5 If any department head desires to vary this policy, he must make a request in writing to the
6 Governor, stating the reasons for the request. The Governor may approve the request, but may
7 only do so in writing. Copies of the request and approval shall be transmitted to the Joint
8 Legislative Commission on Governmental Operations. The members of any committee or
9 council created by the head of a principal department shall serve at the pleasure of the head of
10 the principal department and may be paid per diem and necessary travel and subsistence
11 expenses within the limits of appropriations and in accordance with the provisions of G.S.
12 138-5, when approved in advance by the Director of the Budget. Per diem, travel, and
13 subsistence payments to members of the committees or councils created in connection with
14 federal programs shall be paid from federal funds unless otherwise provided by law.

15 An annual report listing these committees or councils, the total membership on each, the
16 cost in the last 12 months and the source of funding, and the title of the person who made the
17 appointments shall be made to the Joint Legislative Commission on Governmental Operations
18 by March 31 of each year.

19 (e) Departmental Management Functions. – All management functions of a principal
20 State department shall be performed by or under the direction and supervision of the head of
21 that principal State department. Management functions shall include planning, organizing,
22 staffing, directing, coordinating, reporting, and budgeting.

23 (f) Custody of Records. – The head of a principal State department shall have legal
24 custody of all public records as defined in G.S. 132-1.

25 (g) Budget Preparation. – The head of a principal State department shall be responsible
26 for the preparation of and the presentation of the department budget request which shall include
27 all funds requested and all receipts expected for all elements of the department.

28 (h) Plans and Reports. – Each principal State department shall submit to the Governor
29 an annual plan of work for the next fiscal year prior to the beginning of that fiscal year. Each
30 principal State department shall submit to the Governor an annual report covering programs
31 and activities for each fiscal year. These plans of work and annual reports shall be made
32 available to the General Assembly. These documents will serve as the base for the development
33 of budgets for each principal State department of State government to be submitted to the
34 Governor.

35 (i) Reports to Governor; Public Hearings. – Each head of a principal State department
36 shall develop and report to the Governor legislative, budgetary, and administrative programs to
37 accomplish comprehensive, long-range coordinated planning and policy formulation in the
38 work of his department. To this end, the head of the department may hold public hearings,
39 consult with and use the services of other State agencies, employ staff and consultants, and
40 appoint advisory and technical committees to assist in the work.

41 (j) Departmental Rules and Policies. – The head of each principal State department and
42 the Director of the Office of State Personnel may adopt:

- 43 (1) Rules consistent with law for the custody, use, and preservation of any
44 public records, as defined in G.S. 132-1, which pertain to department
45 business;
- 46 (2) Rules, approved by the Governor, to govern the management of the
47 department, which shall include the functions of planning, organizing,
48 staffing, directing, coordinating, reporting, budgeting, and budget
49 preparation which affect private rights or procedures available to the public;
- 50 (3) Policies, consistent with law and with rules established by the Governor and
51 with rules of the State Personnel Commission, which reflect internal

1 management procedures within the department. These may include policies
2 governing the conduct of employees of the department, the distribution and
3 performance of business and internal management procedures which do not
4 affect private rights or procedures available to the public and which are
5 listed in (e) of this section. Policies establishing qualifications for
6 employment shall be adopted and filed pursuant to Chapter 150B of the
7 General Statutes; all other policies under this subdivision shall not be
8 adopted or filed pursuant to Chapter 150B of the General Statutes.

9 Rules adopted under (1) and (2) of this subsection shall be subject to the provisions of
10 Chapter 150B of the General Statutes.

11 This subsection shall not be construed as a legislative grant of authority to an agency to
12 make and promulgate rules concerning any policies and procedures other than as set forth
13 herein. (1973, c. 476, s. 10; c. 1416, ss. 1, 2; 1977, 2nd Sess., c. 1219, s. 46; 1983, c. 76, ss. 1,
14 2; c. 641, s. 8; c. 717, s. 78; 1985 (Reg. Sess., 1986), c. 955, ss. 97, 98; 1987, c. 738, s. 147; c.
15 827, s. 1; 1991 (Reg. Sess., 1992), c. 1038, s. 15; 2006-203, s. 101.)

16
17 **§ 143B-11. Subunit nomenclature.**

18 (a) The principal subunit of a department is a division. Each division shall be headed
19 by a director.

20 (b) The principal subunit of a division is a section. Each section shall be headed by a
21 chief.

22 (c) If further subdivision is necessary, sections may be divided into subunits which
23 shall be known as branches and which shall be headed by heads, and branches may be divided
24 into subunits which shall be known as units and which shall be headed by supervisors. (1973, c.
25 476, s. 11.)

26
27 **§ 143B-12. Internal organization of departments; allocation and reallocation of duties
28 and functions; limitations.**

29 (a) The Governor shall cause the administrative organization of each department to be
30 examined periodically with a view to promoting economy, efficiency, and effectiveness. The
31 Governor may assign and reassign the duties and functions of the executive branch among the
32 principal State departments except as otherwise expressly provided by statute. When the
33 changes affect existing law, they must be submitted to the General Assembly in accordance
34 with Article III, Sec. 5(10) of the Constitution of North Carolina.

35 (b) The Governor shall report all transfers of departmental functions under this section
36 to the President of the Senate, the Speaker of the House of Representatives, the Chairmen of the
37 Appropriations Committees in the Senate and the House of Representatives, and the Fiscal
38 Research Division of the Legislative Services Office, within 30 days after the transfer if the
39 General Assembly is in session, otherwise to the Joint Legislative Committee on Governmental
40 Operations and the Fiscal Research Division of the Legislative Services Office, within 30 days
41 after the transfer. The report shall include the rationale for the transfer and the increased
42 efficiency in operations expected from the transfer. (1973, c. 476, s. 12; 1985, c. 479, s. 164.)

43
44 **§ 143B-13. Appointment, qualifications, terms, and removal of members of commissions.**

45 (a) Each member of a commission created by or under the authority of the Executive
46 Organization Act of 1973 shall be a resident of the State of North Carolina, unless otherwise
47 specifically authorized by law.

48 Unless more restrictive qualifications are provided in the Executive Organization Act of
49 1973, the Governor shall appoint each member on the basis of interest in public affairs, good
50 judgment, knowledge, and ability in the field for which appointed, and with a view to providing
51 diversity of interest and points of view in the membership.

1 The balance of unexpired terms of existing commission members shall be served in
2 accordance with their most recent appointment.

3 A vacancy occurring during a term of office is filled in the same manner as the original
4 appointment is made and for the balance of the unexpired term, unless otherwise provided by
5 law or by the Constitution of North Carolina.

6 (b) A commission membership becomes vacant on the happening of any of the
7 following events before the expiration of the term: (i) the death of the incumbent, (ii) his
8 incompetence as determined by final judgment or final order of a court of competent
9 jurisdiction, (iii) his resignation, (iv) his removal from office, (v) his ceasing to be a resident of
10 the State, (vi) his ceasing to discharge the duties of his office over a period of three consecutive
11 months except when prevented by sickness, (vii) his conviction of a felony or of any offense
12 involving a violation of his official duties, (viii) his refusal or neglect to take an oath within the
13 time prescribed, (ix) the decision of a court of competent jurisdiction declaring void his
14 appointment, and (x) his commitment as a substance abuser under Part 8 of Article 5 of Chapter
15 122C of the General Statutes; but in that event, the office shall not be considered vacant until
16 the order of commitment has become final.

17 (c) No member of the State commission may use his position to influence any election
18 or the political activity of any person, and any such member who violates this subsection may
19 be removed from such office by the Governor, if such member was appointed by the Governor,
20 or by the appointing authority, if such member was not appointed by the Governor. Nothing
21 herein shall prohibit such member from publishing the fact of his membership in his own
22 campaign for public office.

23 (d) In addition to the foregoing, any member of a commission may be removed from
24 office by the Governor for misfeasance, malfeasance, and nonfeasance.

25 (e) Any appointment by the Governor to a commission, board, council or committee
26 made subsequent to January 5, 1973, and prior to July 1, 1973, for a term that would extend for
27 a period inconsistent with the staggered term provisions of the Executive Organization Act of
28 1973, may be reduced by the Governor to conform to those staggered term provisions.

29 (f) Whenever a statute requires that the Governor appoint at least one person from each
30 congressional district to a board or commission, and due to congressional redistricting, two or
31 more members of the board or commission shall reside in the same congressional district, then
32 such members shall continue to serve as members of the board or commission for a period
33 equal to the remainder of their unexpired terms, provided that upon the expiration of said term
34 or terms the Governor shall fill such vacancy or vacancies in such a manner as to insure that as
35 expeditiously as possible there is one member of the board or commission who is a resident of
36 each congressional district in the State.

37 (f1) Whenever a statute requires that the Governor or any board, commission, council,
38 person, or agency (whether or not that board, commission, council, or agency was established
39 under this Chapter) appoint one or more persons from each congressional district to a board,
40 commission, or council, and due to congressional redistricting, a person no longer resides in the
41 district the member has been appointed to represent, such member or members shall, if
42 otherwise qualified, continue to serve as members of the board or commission for the
43 remainder of their unexpired terms, and shall be considered to meet the residency requirement.

44 (f2) Whenever a statute requires that the Governor or any board, commission, council,
45 person, or agency (whether or not that board, commission, council, or agency was established
46 under this Chapter) appoint one or more persons from each congressional district to a board,
47 commission, or council, and the statute fails to provide for a procedure to fill the extra position
48 due to the addition of an additional congressional district, then the appointing authority shall
49 appoint a person for a term commencing on January 3rd of the year in which the addition of the
50 additional congressional district becomes effective. Unless the statute provides for persons to
51 serve at the pleasure of the appointing authority, the appointing authority shall set the length of

1 the initial term of office. (1973, c. 476, s. 13; 1975, c. 879, s. 47; 1981, c. 520, s. 1; 1981 (Reg.
2 Sess., 1982), c. 1191, s. 5; 1985, c. 589, ss. 45, 46; 1991 (Reg. Sess., 1992), c. 1038, s. 16.)
3

4 **§ 143B-14. Administrative services to commissions.**

5 (a) The head of the principal State department to which a commission has been
6 assigned is responsible for the provision of all administrative services to the commission.

7 (b) Except as otherwise provided by law, the powers, duties, and functions of a
8 commission are not subject to the approval, review, or control of the head of the department or
9 of the Governor.

10 (c) The Governor may assign to an appropriate commission created by the Executive
11 Organization Act of 1973 duties of a quasi-legislative and quasi-judicial nature existing in the
12 executive branch of State government which have not been assigned by this Chapter to any
13 other commission. All such assignment of duties by the Governor to a commission shall be
14 made in accordance with Article III, Sec. 5(10) of the Constitution of North Carolina.

15 (d) All management functions of a commission shall be performed by the head of the
16 principal State department. Management functions shall include planning, organizing, staffing,
17 directing, coordinating, reporting, and budgeting. (1973, c. 476, s. 14; c. 1416, s. 3; 1979, 2nd
18 Sess., c. 1137, s. 41.2; 1981, c. 688, s. 20; 1983, c. 927, s. 11; 1987, c. 827, s. 221; 1991, c.
19 418, s. 9.)
20

21 **§ 143B-15. Compensation of members of commissions.**

22 The salary of members of full-time commissions shall be set by the General Assembly upon
23 recommendation of the Governor to be submitted as a part of his budget requests. (1973, c. 476,
24 s. 15.)
25

26 **§ 143B-16. Appointment and removal of members of boards, councils and committees.**

27 Unless more restrictive qualifications are provided in this Chapter, the Governor shall
28 appoint each member of a board, council, or committee on the basis of his interest in public
29 affairs, good judgment, knowledge and ability in the field for which appointed, and with a view
30 to providing diversity of interest and points of view in the membership. Unless other conditions
31 are provided in the Executive Organization Act of 1973, any member of a board, council, or
32 committee may be removed from office by the Governor for misfeasance, malfeasance, or
33 nonfeasance.

34 No member of a board, council, or committee may use his position to influence any election
35 or the political activity of any person, and any such member who violates this paragraph may
36 be removed from such office by the Governor, if such member was appointed by the Governor,
37 or by the appointing authority, if such member was not appointed by the Governor. Nothing
38 herein shall prohibit such member from publishing the fact of his membership in his own
39 campaign for public office. (1973, c. 476, s. 16; 1981, c. 520, s. 2.)
40

41 **§ 143B-17. Commission investigations and orders.**

42 Unless otherwise provided for in the Executive Organization Act of 1973, any commission
43 created by the Executive Organization Act of 1973 may order an investigation into areas of
44 concern over which it has rule-making authority, and the head of the department required to
45 give staff support to such commission shall render such reports and information as the
46 commission may require. In default of the production of information by the head of the
47 principal department or any employee or agent thereof, the commission may seek the aid of the
48 Wake County Superior Court to require the production of information as hereinafter provided.

49 In proceedings before any commission or any hearing officer or member of the commission
50 so authorized by the commission, if any person refuses to respond to a subpoena, or refuses to
51 take the oath or affirmation as a witness or thereafter refuses to be examined or refuses to obey

1 any lawful order of a commission contained in its decision rendered after hearing, the chairman
2 of the commission may apply to the Superior Court of Wake County or to the superior court of
3 the county where the proceedings are being held for an order directing that person to take the
4 requisite action. Should any person willfully fail to comply with an order so issued, the court
5 shall punish him as for contempt. (1973, c. 476, s. 17.)
6

7 **§ 143B-18: Repealed by Session Laws 1991, c. 418, s. 10.**
8

9 **§ 143B-19. Pending actions and proceedings.**

10 No action or proceeding pending at the time the Executive Organization Act of 1973 takes
11 effect and brought by or against any State agency whose functions, powers, and duties are
12 transferred by the Executive Organization Act of 1973 to a principal State department shall be
13 affected by any provision of the Executive Organization Act of 1973, but the same may be
14 prosecuted or defended in the name of the head of the principal State department. In all such
15 actions and proceedings, the principal State department to which the functions, powers, and
16 duties of a State agency have been transferred shall be substituted as a party upon appropriate
17 application to the courts. (1973, c. 476, s. 19.)
18

19 **§ 143B-20: Repealed by Session Laws 1991, c. 418, s. 10.**
20

21 **§ 143B-21. Affirmation of prior acts of abolished agencies.**

22 The abolition of certain agencies by the Executive Organization Act of 1973 should not be
23 construed as invalidating any lawful prior act of such agency. (1973, c. 476, s. 21.)
24

25 **§ 143B-22. Terms occurring in laws, contracts and other documents.**

26 Any reference or designation in any statute, contract, or other document pertaining to
27 functions, powers, obligations, and duties of a State agency assigned by the Executive
28 Organization Act of 1973 to a principal State department shall be deemed to refer to the
29 principal State department or the head of the principal State department, as may be appropriate.
30 (1973, c. 476, s. 22.)
31

32 **§ 143B-23. Completion of unfinished business.**

33 Any business or other matter undertaken or commenced by any State agency or the
34 commissioners or directors thereof, pertaining to or connected with the functions, powers,
35 obligations, and duties hereby transferred to a principal State department, and pending on July
36 1, 1973, may be conducted and completed by the principal State department in the same
37 manner and under the same terms and conditions and with the same effect as if conducted and
38 completed by the State agency or commissioners and directors thereof. (1973, c. 476, s. 23.)
39

40 **§ 143B-24. Cooperative agreements.**

41 Except as otherwise provided by law, each principal State department may, with the
42 approval of the Department of Administration, enter into cooperative agreements with the
43 federal government, any state government, any agency of the State government, any local
44 government of the State, jointly with any two or more, or severally, in carrying out its
45 functions. (1973, c. 476, s. 24.)
46

47 **§ 143B-25. Agencies not enumerated.**

48 Any agency not enumerated in the Executive Organization Act of 1973 but established or
49 created by the General Assembly shall continue to exercise all its powers, duties, and functions
50 subject to the provisions of Chapter 143A of the General Statutes of the State of North
51 Carolina. (1973, c. 476, s. 25.)

1
2 **§ 143B-26. Constitutional references.**

3 All references to the Constitution of North Carolina in the Executive Organization Act of
4 1973 refer to the Constitution of North Carolina as effective July 1, 1973. (1973, c. 476, s. 26.)
5

6 **§ 143B-27.** Repealed by Session Laws 1983, c. 717, s. 79.
7

8 **§ 143B-28. Goals of continuing reorganization.**

9 Structural reorganization of State government should be a continuing process,
10 accomplished through careful executive and legislative appraisal of the placement of proposed
11 new programs and coordination of existing programs in response to changing emphases in
12 public needs and should be consistent with the following goals:

- 13 (1) The organization of State government should assure its responsiveness to
14 popular control. It is the goal of reorganization to improve the administrative
15 capability of the executive to carry out these policies.
16 (2) The organization of State government should aid communication between
17 citizens and government. It is the goal of reorganization through
18 coordination of related programs in function-oriented departments to
19 improve public understanding of government programs and policies and to
20 improve the relationships between citizens and administrative agencies.
21 (3) The organization of State government should assure efficient and effective
22 administration of the policies established by the General Assembly. It is the
23 goal of reorganization to promote efficiency and effectiveness by improving
24 the management and coordination of State services and by eliminating
25 ineffective, overstaffed, obsolete or overlapping activities. (1973, c. 476, s.
26 28.)
27

28 **§ 143B-29.** Reserved for future codification.
29

30 Part 2. Governor's Administrative Rules Review Commission.

31 **§§ 143B-29.1 to 143B-29.5: Repealed by Session Laws 1985, c. 746, s. 7.**
32

33 Part 3. Rules Review Commission.

34 **§ 143B-30: Repealed by Session Laws 1991, c. 418, s. 5.**
35

36 **§ 143B-30.1. Rules Review Commission created.**

37 (a) The Rules Review Commission is created. The Commission shall consist of 10
38 members to be appointed by the General Assembly, five upon the recommendation of the
39 President Pro Tempore of the Senate, and five upon the recommendation of the Speaker of the
40 House of Representatives. These appointments shall be made in accordance with G.S. 120-121,
41 and vacancies in these appointments shall be filled in accordance with G.S. 120-122. Except as
42 provided in subsection (b) of this section, all appointees shall serve two-year terms.

43 (b) In 1990, two of the appointments made by the General Assembly upon the
44 recommendation of the President of the Senate shall expire June 30, 1991, and two shall expire
45 June 30, 1992. In 1990, two of the appointments made by the General Assembly upon the
46 recommendation of the Speaker of the House of Representatives shall expire June 30, 1992,
47 and two shall expire June 30, 1993. Subsequent terms shall be for two years.

48 (c) Any appointment to fill a vacancy on the Commission created by the resignation,
49 dismissal, ineligibility, death, or disability of any member shall be for the balance of the
50 unexpired term. The chairman shall be elected by the Commission, and he shall designate the

1 times and places at which the Commission shall meet. The Commission shall meet at least once
2 a month. A quorum of the Commission shall consist of six members of the Commission.

3 (d) Members of the Commission who are not officers or employees of the State shall
4 receive compensation of two hundred dollars (\$200.00) for each day or part of a day of service
5 plus reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5.
6 Members of the Commission who are officers or employees of the State shall receive
7 reimbursement for travel and subsistence at the rate set out in G.S. 138-6.

8 (e) The Chief Administrative Law Judge, Office of Administrative Hearings, shall
9 assign the staff and designate the Director of the Commission in accordance with G.S. 7A-760.

10 (f) The Commission shall prescribe procedures and forms to be used in submitting rules
11 to the Commission for review. The Commission may have computer access to the North
12 Carolina Administrative Code to enable the Commission and its staff to view and copy rules in
13 the Code. (1985 (Reg. Sess., 1986), c. 1028, s. 32; 1987 (Reg. Sess., 1988), c. 1111, s. 2; 1989,
14 c. 35, s. 2; 1989 (Reg. Sess., 1990), c. 1038, s. 18; 1991, c. 418, s. 11; 1991 (Reg. Sess., 1992),
15 c. 1030, s. 43; 1995, c. 490, s. 43; 1997-495, s. 90(a), (b); 2004-124, s. 22A.1(b); 2006-66, s.
16 18.2(f); 2006-221, s. 20; 2009-451, s. 21A.2; 2009-575, s. 19.)
17

18 **§ 143B-30.2. Purpose of Commission.**

19 The Rules Review Commission reviews administrative rules in accordance with Chapter
20 150B of the General Statutes. (1985 (Reg. Sess., 1986), c. 1028, s. 32; 1987, c. 285, ss. 1-5;
21 1991, c. 418, s. 12.)
22

23 **§ 143B-30.3: Repealed by Session Laws 1991, c. 418, s. 5.**

25 **§ 143B-30.4. Evidence.**

26 Evidence of the Commission's failure to object to and delay the filing of a rule or its part
27 shall be inadmissible in all civil or criminal trials or other proceedings before courts,
28 administrative agencies, or other tribunals. (1985 (Reg. Sess., 1986), c. 1028, s. 32.)
29

30 **§§ 143B-31 through 143B-48. Reserved for future codification.**