

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 1038
HOUSE BILL 1343

AN ACT TO MAKE APPOINTMENTS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO AMEND CERTAIN STATUTES CALLING FOR VARIOUS COMMISSIONS TO HAVE ONE MEMBER FROM EACH OF ELEVEN CONGRESSIONAL DISTRICTS.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART 1. SPEAKER'S APPOINTMENTS

Section 1. Jennie J. Hayman of Wake County and Beryl Wade of Cumberland County are appointed to the Rules Review Commission for terms expiring June 30, 1994.

Sec. 2. J. Carlton Cole of Perquimans County is appointed to the Alarm Systems Licensing Board for a term expiring June 30, 1995.

Sec. 3. Christopher E. McClure of Wake County is appointed to the Child Day Care Commission for a term expiring June 30, 1994. This is a categorical appointment for a public member. Joanne Byrd of Wake County is appointed to the Child Day Care Commission for a term expiring June 30, 1994. This is a categorical appointment for a parent of a child receiving day care services.

Sec. 3.1. B.F. Clifton of Wake County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring June 30, 1994. This is a public member.

Sec. 4. R.H. Byrd of Harnett County is appointed to the Genetic Engineering Review Board for a term expiring June 30, 1995. This is a categorical appointment for an active member of a farm organization.

Sec. 5. Fincher Martin of Anson County and Trudy Early of Guilford County are appointed to the North Carolina Agricultural Finance Authority for terms expiring June 30, 1995.

Sec. 6. Jonathan Hankins of Brunswick County is appointed to the North Carolina Center for Nursing Board of Directors for a term expiring June 30, 1995.

Sec. 7. Catherine Cameron of Chatham County is appointed to the North Carolina Hazardous Waste Management Commission for a term expiring June 30, 1994.

Sec. 8. Roy A. Stevens of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring June 30, 1994.

Sec. 9. Leroy T. Walker of Durham County is appointed to the North Carolina Teaching Fellows Commission for a term expiring June 30, 1994.

Sec. 10. Joel Garth Locklear of Robeson County is appointed to the Private Protective Services Board for a term expiring June 30, 1995. This is a categorical appointment for a licensee under Chapter 74C of the General Statutes.

Sec. 11. Mary Hardy of Pitt County is appointed to the State Board of Cosmetic Art Examiners for a term expiring June 30, 1995. This is a categorical appointment for a licensed cosmetologist.

Sec. 12. Benny R. Hockaday of Wake County is appointed to the State Building Commission for a term expiring June 30, 1995.

Sec. 12.1. Barney Paul Woodard, Jr. of Buncombe County is appointed to the Board of the North Carolina Arboretum for a term expiring June 30, 1996.

Sec. 12.2. Dr. David Brooks of Robeson County is appointed to the North Carolina Veterinary Medical Board for a term expiring June 30, 1997.

Sec. 12.3. E. Frank Davis, Jr. of Buncombe County is appointed to the North Carolina Code Officials Qualifications Board for a term expiring June 30, 1996. This is the categorical appointment for a licensed electrical contractor.

Sec. 12.4. Gail Sports Long of Cumberland County is appointed to the North Carolina Medical Database Commission for a term expiring June 30, 1995. This is the categorical appointment for a nurse.

Sec. 12.5. Charles M. Johnson of Nash County is appointed to the State Board of Therapeutic Recreation Certification for a term expiring June 30, 1995. This is the categorical appointment for a public member.

Sec. 12.6. Lycurous Lowry of Robeson County is appointed to the Southeastern North Carolina Farmers Market Commission for a term expiring June 30, 1996.

Sec. 12.7. Dr. William E. Willis, Jr. of Wake County is appointed to the Information Resource Management Commission for a term commencing September 1, 1992, and expiring June 30, 1995. This is the categorical appointment for a citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications.

Sec. 12.8. Except as provided herein, appointments made by this Part are effective upon ratification.

PART 2. CONGRESSIONAL DISTRICT REPRESENTATION COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN

Sec. 13. G.S. 115C-121(b) reads as rewritten:

"(b) The Council shall consist of ~~17~~18 members to be appointed as follows: two members appointed by the Governor; two members of the Senate appointed by the President Pro Tempore; two members of the House of Representatives appointed by the

Speaker of the House; and ~~11~~12 members appointed by the State Board of Education. Of those members of the Council appointed by the State Board one member shall be selected from each congressional district within the State, and the members so selected shall be composed of at least one person representing each of the following: handicapped individuals, parents or guardians of children with special needs, teachers of children with special needs, and State and local education officials and administrators of programs for children with special needs. The Council shall designate a chairperson from among its members. The designation of the chairperson is subject to the approval of the State Board of Education. The board shall promulgate rules or regulations to carry out this subsection.

Ex officio members of the Council shall be the following:

- (1) The Secretary of the Department of Human Resources or the Secretary's designee;
- (2) The Secretary of the Department of Correction or the Secretary's designee;
- (3) A representative from The University of North Carolina Planning Consortium for Children with Special Needs; and
- (4) The Superintendent of Public Instruction or the Superintendent's designee.

The term of appointment for all members except those appointed by the State Board of Education shall be for two years. The term for members appointed by the State Board of Education shall be for four years. No person shall serve more than two consecutive four-year terms. The initial term of office of the person appointed from the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996.

Each Council member shall serve without pay, but shall receive travel allowances and per diem in the same amount provided for members of the North Carolina General Assembly."

PROFESSIONAL REVIEW COMMITTEE FOR PUBLIC SCHOOL TEACHERS

Sec. 14. G.S. 115C-325(g)(1) reads as rewritten:

- "(1) There is hereby created a Professional Review Committee which shall consist of ~~121~~132 citizens, 11 from each of the State's congressional districts, five of whom shall be lay persons and six of whom shall have been actively and continuously engaged in teaching or in supervision or administration of schools in this State for the five years preceding their appointment and who are broadly representative of the profession, to be appointed by the Superintendent of Public Instruction with the advice and consent of the State Board of Education. Each member shall be appointed for a term of three years. The initial terms of office of the persons appointed from the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1995. The Superintendent of Public Instruction, with the advice and consent of the State Board of Education, shall fill any vacancy which may occur

in the Committee. The person appointed to fill the vacancy shall serve for the unexpired portion of the term of the member of the Committee whom he is appointed to replace."

GENERAL PROVISIONS

Sec. 15. G.S. 143B-10(d) reads as rewritten:

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

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

Prior to taking any action under this subsection, the Director of the Budget may consult with the Advisory Budget Commission."

Sec. 16. G.S. 143B-13 is amended by adding new subsections to read:

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

(f2) Whenever a statute requires that the Governor or any board, commission, council, person, or agency (whether or not that board, commission, council, or agency was established under this Chapter) appoint one or more persons from each congressional district to a board, commission, or council, and the statute fails to provide for a procedure to fill the extra position due to the addition of an additional congressional district, then the appointing authority shall appoint a person for a term commencing on January 3rd of the year in which the addition of the additional

congressional district becomes effective. Unless the statute provides for persons to serve at the pleasure of the appointing authority, the appointing authority shall set the length of the initial term of office."

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

Sec. 17. G.S. 143B-148(a) reads as rewritten:

"(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Human Resources shall consist of ~~25~~26 members:

- (1) Four of whom shall be appointed by the General Assembly, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President of the Senate in accordance with G.S. 120-121. These members shall have concern for the problems of mental illness, developmental disabilities, alcohol and drug abuse. Members shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122;
- (2) ~~Twenty-one~~Twenty-two of whom shall be appointed by the Governor, one from each congressional district in the State in accordance with G.S. 147-12(3)b, and 10 at-large members.
 - a. Of these ~~21~~22 members, three shall have a special interest in mental health, three shall have a special interest in mental retardation, three shall have a special interest in developmental disabilities other than mental retardation, three shall have a special interest in alcohol abuse and alcoholism and three shall have a special interest in drug abuse. Each group of three shall be made up of one member who is a consumer representative; one other who is a representative of a local or State citizen organization or association; and one other who is a professional in the field.
 - b. The remaining ~~six~~seven members shall be appointed from the general public, other citizen groups, area mental health, developmental disabilities, and substance abuse authorities, or from other related agencies.
 - c. Of these ~~21~~22 appointments, at least one shall be a licensed physician and at least one other shall be a licensed attorney.
 - d. The Governor shall appoint members to the Commission in accordance with the foregoing provisions. The terms of all Commission members appointed by the Governor shall be four years. The initial term of the person representing the 12th Congressional District shall begin January 3, 1993, and expire June 30, 1996. All Commission members shall serve their designated terms and until their successors are duly appointed

and qualified. All Commission members may succeed themselves.

- (3) All appointments shall be made pursuant to current federal rules and regulations, when not inconsistent with State law, which prescribe the selection process and demographic characteristics as a necessary condition to the receipt of federal aid."

BOARD OF CORRECTION

Sec. 18. G.S. 143B-265 reads as rewritten:

"§ 143B-265. Board of Correction – duties and responsibilities; members; selection; compensation; meetings; quorum; services.

(a) The Board of Correction shall consider and advise the Secretary of Correction upon any matter that the Secretary may refer to it. The Board shall assist the Secretary of Correction in the development of major programs and recommend priorities for the programs within the Department.

The Board of Correction shall have such other responsibilities and shall perform such other duties as may be specifically given to it by the Secretary of Correction.

(b) The Board of Correction shall consist of one voting member from each of the ~~11-12~~ congressional districts, appointed by the Governor to serve at his pleasure. One member shall be a psychiatrist or a psychologist, one an attorney with experience in the criminal courts, one a judge in the General Court of Justice and ~~eight-nine~~ members appointed at large. The Secretary of Correction shall be an additional nonvoting member and chairman ex officio. The terms of office of the nine members presently serving on the Board shall continue, but any vacancy occurring on or after July 1, 1983, shall be filled by the Governor in compliance with the requirement of membership from the various congressional districts.

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

The Board of Correction shall meet at least quarterly and may hold special meetings at any time and place within the State at the call of its chairman.

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

(d) All clerical and other services required by the Board shall be supplied by the Secretary of Correction."

AERONAUTICS COUNCIL

Sec. 19. G.S. 143B-357 reads as rewritten:

"§ 143B-357. Aeronautics Council – members; selection; quorum; compensation.

(a) The Aeronautics Council of the Department of Transportation shall consist of ~~13-14~~ members appointed by the Governor, who, in making such appointments, shall designate one person from each of the congressional districts of the State and two members selected at large. At least four of the appointed members shall possess a broad knowledge of aviation and airport development.

Five of the initial members of the Council shall be the five members of the Governor's Aviation Committee whose terms expire on June 30, 1977, who shall serve

on the Council until June 30, 1977. Thereafter, their successors shall be appointed for a term of office of four years. Six members of the Council shall be appointed for a term of four years beginning July 1, 1975. The initial term of the member representing the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. Thereafter, after the expiration of their respective terms of office, the successors shall be appointed for terms of four years. 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.

(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 a member of the Council to serve as chairman at his pleasure.

(c) 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.

(d) All clerical and other services required by the Council shall be supplied by the Secretary of Transportation."

NORTH CAROLINA HUMAN RELATIONS COMMISSION

Sec. 20. 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 ~~20-21~~ members. The Governor shall appoint one member from each of the ~~44~~ 12 congressional districts, plus five members at large, including the chairperson. The Speaker of the North Carolina House of Representatives shall appoint two members to the Commission. The Lieutenant Governor shall appoint two members to 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 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."

GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

Sec. 21. G.S. 143B-415(a) reads as rewritten:

"(a) The Governor's Advocacy Council on Children and Youth shall consist of ~~17~~ 18 members. The composition of the Council shall be as follows: two members appointed by the President of the Senate from the membership of the Senate; two members selected by the Speaker of the House of Representatives from the membership of the House of Representatives; ~~13-14~~ members appointed by the Governor.

Of the members appointed by the Governor, at least one shall come from each congressional district in accordance with G.S. 147-12(3)b.

In selecting the ~~13-14~~ members of the Council, the Governor shall select ~~nine-10~~ public-spirited adult citizens who have an interest in and knowledge of children and youth, persons who work with children or representatives of organizations concerned with problems of children and youth. The remaining four members to be appointed by the Governor shall consist of two youths of each sex who are 18 years of age or under at the time of their appointments."

ECONOMIC DEVELOPMENT BOARD

Sec. 22. G.S. 143B-434(a) reads as rewritten:

"(a) There is created within the Department of Economic and Community Development an Economic Development Board. The Board shall advise the Secretary of Economic and Community Development on:

- (1) The formulation of a program for the economic development of the State of North Carolina; and
- (2) The formulation of a budget and the hiring of the head of each division of the Department of Economic and Community Development concerned with the expansion of the travel and tourism industry.

The Secretary shall prepare the budget of the Department and shall hire the heads of the above-mentioned divisions who shall serve at his pleasure. The Board shall meet at least quarterly at the call of its chairman or the Secretary. Each quarter the Secretary shall report to the Board on the program and progress of this State's economic development.

The Economic Development Board shall consist of ~~25-26~~ members. The Secretary of Economic and Community Development, the President of the Senate or his appointee, and the Speaker of the House of Representatives or his appointee, shall be members of the Board. The Governor shall appoint ~~22-23~~ members of the Board. Of his appointees, the Governor shall appoint at least one member residing in each congressional district of the State.

The initial appointments by the Governor shall be made on or after the date of ratification, 11 terms to expire July 1, 1979, and 11 terms to expire on July 1, 1981. Thereafter, at the expiration of each stipulated term of office all appointments made by the Governor shall be for a term of four years. The initial term of the person appointed to represent the 12th Congressional District shall commence January 3, 1993, and expire June 30, 1995. Any vacancy occurring in the membership of the Economic Development Board appointed by the Governor shall be filled by the Governor for the

unexpired term. The Governor shall have the authority to remove any member of the Economic Development Board appointed by the Governor.

The Governor shall designate from among the members of the Economic Development Board a chairman and a vice-chairman. The Secretary of Economic and Community Development or his designee shall serve as Secretary of the Economic Development Board. If a vacancy occurs in the office of the Lieutenant Governor, the President pro tempore shall fill the vacancy. If a vacancy occurs in the office of the Speaker of the House of Representatives, the Speaker pro tempore shall fill the vacancy.

The members of the Economic Development Board appointed by the Governor shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and 138-6, as the case may be; provided, however, that the chairman of the Economic Development Board and the Lieutenant Governor shall not be entitled to receive per diem in addition to salary. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

Sec. 23. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of July, 1992.

Henson P. Barnes
President Pro Tempore of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives