

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 192
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Short Title: Filing of Foreign Agreements.

(Public)

Sponsors:

Referred to:

March 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE FILING WITH THE SECRETARY OF STATE OF
3 ALL MEMORANDA OF UNDERSTANDING AND AGREEMENTS OF A
4 NONCOMMERCIAL NATURE BETWEEN THE STATE OF NORTH CAROLINA
5 AND FOREIGN GOVERNMENTS, TO AUTHORIZE THE SECRETARY OF
6 STATE TO PROVIDE INTERNATIONAL RELATIONS ASSISTANCE AND TO
7 PUBLISH PUBLICATIONS ELECTRONICALLY, AND TO PROVIDE FOR
8 GUBERNATORIAL OVERSIGHT OF AGREEMENTS INVOLVING THE STATE
9 AND FOREIGN GOVERNMENTS.

10 The General Assembly of North Carolina enacts:

11 Section 1. Chapter 66 of the General Statutes is amended by adding a new
12 Article to read:

13 **"ARTICLE 35.**
14 **"AGREEMENTS BETWEEN NORTH CAROLINA AND FOREIGN**
15 **GOVERNMENTS.**
16 **"§ 66-275. Agreements between North Carolina and foreign governments to be**
17 **filed.**

1 (a) A copy of all executed memoranda of understanding and agreements of a
2 noncommercial nature otherwise subject to disclosure under the public record laws of this
3 State, entered into by the State of North Carolina, or any agency of the State, and a
4 foreign government shall be filed by the State agency with the Secretary of State.

5 (b) Notwithstanding subsection (a) of this section, the validity or enforceability of
6 any memoranda or agreement subject to this section shall not be affected by the failure to
7 comply with subsection (a) of this section. Documents required to be filed with the
8 Secretary of State under this section shall be indexed and made available to the public in
9 accordance with Chapter 132 of the General Statutes.

10 (c) For purposes of this section, 'foreign government' means a foreign country's
11 government that is recognized and accredited by the United States Department of State,
12 and includes governmental subdivisions of that country. For purposes of this section,
13 'agency of the State' does not include public educational institutions with respect to their
14 educational, research, or extension activities."

15 Section 2. G.S. 147-54.1 reads as rewritten:

16 **"§ 147-54.1. Division of Publications; duties.**

17 The Secretary of State is authorized to set up a division to be designated as the
18 Division of Publications and to appoint a director thereof who shall be known as the
19 Director of Publications. This Division shall publish the North Carolina Manual,
20 Directory, Index of Local Legislation and such other publications as may be useful to the
21 members and committees of the General Assembly and other officials of the State and of
22 the various counties and cities. Unless otherwise required by law, the Secretary may
23 publish electronically information permitted or required by this section. The Secretary
24 may sell these publications at such prices as ~~he~~ the Secretary deems reasonable; the
25 proceeds of sale shall be paid into the State treasury.

26 The Division shall also perform all such other duties as may be assigned by the
27 Secretary of State."

28 Section 3. Article 4 of Chapter 147 is amended by adding a new section to
29 read:

30 **"§ 147-54.5. International relations assistance.**

31 (a) The Secretary of State may offer direct and indirect assistance in matters
32 relating to international relations and protocol to other governmental agencies and units
33 of the State of North Carolina. The assistance may be provided upon request of the
34 intended recipient when resources are available for these purposes.

35 (b) The Secretary of State, on behalf of the State, may accept gifts, donations,
36 bequests, or other forms of voluntary contributions, apply for grants from public and
37 private sources, and may expend funds received under this subsection for the purpose of
38 promoting international relations and hosting foreign dignitaries and leaders in North
39 Carolina. All funds and gifts received pursuant to this subsection shall be subject to audit
40 by the Office of the State Auditor and all funds shall be expended in conformity with the
41 Executive Budget Act and shall become the property of the State."

42 Section 4. G.S. 147-12 reads as rewritten:

43 **"§ 147-12. Powers and duties of Governor.**

1 In addition to the powers and duties prescribed by the Constitution, the Governor has
2 the powers and duties prescribed in this and the following sections:

- 3 (1) ~~He is to~~To supervise the official conduct of all executive and ministerial
4 officers; and when ~~he shall deem~~the Governor deems it advisable ~~he shall~~
5 to visit all State institutions for the purpose of inquiring into the
6 management and needs of the same.
- 7 (2) ~~He is to~~To see that all offices are filled, and the duties thereof
8 performed, or in default thereof apply such remedy as the law allows,
9 and if the remedy is imperfect, acquaint the General Assembly
10 therewith.
- 11 (3) ~~He is to~~To make the appointments and fill the vacancies not otherwise
12 provided for in all departments.

13 In every case where the Governor is authorized by statute to make an
14 appointment to fill a State office, ~~he~~the Governor may also appoint to
15 fill any vacancy occurring in that office, and the person ~~he~~the Governor
16 appoints shall serve for the unexpired term of the office and until ~~his~~the
17 person's successor is appointed and qualified.

18 In every case where the Governor is authorized by statute to appoint
19 to fill a vacancy in an office in the executive branch of State
20 government, the Governor may appoint an acting officer to serve

- 21 a. During the physical or mental incapacity of the regular holder of
22 the office to discharge the duties of ~~his~~the office,
23 b. During the continued absence of the regular holder of the office,
24 or
25 c. During a vacancy in an office and pending the selection and
26 qualification, in the manner prescribed by statute, of a person to
27 serve for the unexpired term.

28 An acting officer appointed in accordance with this subsection may
29 perform any act and exercise any power which a regularly appointed
30 holder of such office could lawfully perform and exercise. All powers
31 granted to an acting officer under this subsection shall expire
32 immediately

- 33 a. Upon the termination of the incapacity of the officer in whose
34 stead ~~he~~the person acts,
35 b. Upon the return of the officer in whose stead ~~he~~the person acts,
36 or
37 c. Upon the selection and qualification, in the manner prescribed by
38 statute, of a person to serve for the unexpired term.

39 The Governor may determine (after such inquiry as ~~he~~the Governor
40 deems appropriate) that any of the officers referred to in this paragraph
41 is physically or mentally incapable of performing the duties of ~~his~~the
42 office. The Governor may also determine that such incapacity has
43 terminated.

1 The compensation of an acting officer appointed pursuant to the
2 provisions of this subdivision shall be fixed by the Governor. Prior to
3 taking any action under this paragraph, the Governor may consult with
4 the Advisory Budget Commission.

5 (3a) ~~The Governor may~~ To make appointments to fill vacancies in offices
6 subject to appointment by the General Assembly as provided in G.S.
7 120-122.

8 (3b) Whenever a statute calls for the Governor to appoint one person from
9 each congressional district to a board or commission, and at the time of
10 enactment of that statute, the gubernatorial appointments do not cover
11 all of the congressional districts, then the Governor, in filling vacancies
12 on that board or commission as they occur, shall make appointments to
13 satisfy that requirement, but shall not be required to remove any person
14 from office to satisfy the requirement.

15 (3c) Notwithstanding any other provision of law, whenever a statute calls for
16 the Governor to appoint a person to an office subject to confirmation by
17 the General Assembly, the Governor shall notify the President of the
18 Senate and the Speaker of the House of Representatives by May 15 of
19 the year in which the appointment is to be made of the name of the
20 person ~~he~~ the Governor is submitting to the General Assembly for
21 confirmation.

22 (3d) Notwithstanding any other provision of law, whenever a statute calls for
23 the Governor to appoint a person to an office subject to confirmation by
24 the Senate, the Governor shall notify the President of the Senate by May
25 15 of the year in which the appointment is to be made of the name of the
26 person ~~he~~ the Governor is submitting to the General Assembly for
27 confirmation.

28 (4) ~~He is~~ To be the sole official organ between the government of this State
29 and other states, or the government of the United States.

30 (5) ~~He has~~ To have the custody of the great seal of the State.

31 (6) If ~~he~~ be the Governor is apprised by the affidavits of two responsible
32 citizens of the State that there is imminent danger that the statute of this
33 State forbidding prizefighting is about to be violated, ~~he~~ the Governor
34 shall use, as far as necessary, the civil and military power of the State to
35 prevent it, and to have the offenders arrested and bound to keep the
36 peace.

37 (7) **(Repealed effective July 1, 1999)** He shall annually appoint eight
38 members to the board of directors of the North Carolina Railroad, who
39 shall serve for one year until the next annual meeting of stockholders
40 held for the purpose of electing or naming directors.

41 (8) In carrying out ~~his~~ ex officio duties, ~~he is authorized~~ to designate ~~his~~ the
42 Governor's personal representative to attend meetings and to act in ~~his~~
43 the Governor's behalf as ~~he~~ the Governor directs.

- 1 (9) ~~He is authorized to~~ To appoint such personal staff as ~~he~~ the Governor
2 deems necessary to carry out effectively the responsibilities of ~~his~~ the
3 Governor's office.
- 4 (10) ~~He is hereby empowered to~~ To contract in behalf of the State with the
5 government of the United States to the extent allowed by the laws of
6 North Carolina for the purpose of securing the benefits available to this
7 State under the Federal Highway Safety Act of 1966. To that end, ~~he~~ the
8 Governor shall coordinate the activities of any and all departments and
9 agencies of this State and its subdivisions relating thereto.
- 10 (11) Upon being furnished information from law-enforcement officers that
11 public roads or highways or other public vehicular areas, as defined in
12 G.S. 20-4.01, are being blocked by privately owned and operated
13 vehicles or by any other means, thereby impeding the free flow of goods
14 and merchandise in North Carolina, ~~he~~, if such information warrants, is
15 ~~authorized~~ to declare that a state of emergency exists in the affected area,
16 and ~~is further authorized~~ to order that the Highway Patrol and/or national
17 guard remove the offending vehicles or other causes of the blockade
18 from the emergency area.
- 19 (12) To name and locate State government buildings, monuments,
20 memorials, and improvements, as provided by G.S. 143B-373(1).
- 21 (13) To oversee and approve all memoranda of understanding and
22 agreements between the State and foreign governments, as defined in
23 G.S. 66-275(c), and international organizations. Any memoranda of
24 understanding or agreements under this subsection to be signed on
25 behalf of the State must first be approved by the Governor after review
26 by the Attorney General, and after execution filed with the Secretary of
27 State in accordance with G.S. 66-275."

28 Section 5. Within available appropriated funds, the Secretary of State shall
29 provide information related to the existence of memoranda of understanding and
30 agreements between state agencies and foreign governments obtained pursuant to this act
31 to the Joint Committee on Governmental Operations by March 31, 2000.

32 Section 6. This act becomes effective July 1, 1999, and applies to memoranda
33 and agreements executed on or after that date.