

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 10
Rules and Operations of the Senate Committee Substitute Adopted 2/5/13

Short Title: Government Reorganization and Efficiency Act. (Public)

Sponsors:

Referred to:

January 31, 2013

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT
3 OF 2013.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS**
7 **THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED**
8 **CRITICAL TO GOVERNMENT OPERATIONS**

9
10 **DIETETICS/NUTRITION BOARD**

11 **SECTION 1.1.(a)** Effective March 31, 2013, Article 25 of Chapter 90 of the
12 General Statutes, G.S. 90-350 through 90-370, is repealed.

13 **SECTION 1.1.(b)** Effective March 31, 2013, G.S. 90-18(c)(15) is repealed.

14 **SECTION 1.1.(c)** Effective March 31, 2013, G.S. 143B-216.60 reads as rewritten:
15 **"§ 143B-216.60. The Justus-Warren Heart Disease and Stroke Prevention Task Force.**

16 ...
17 (b) The Task Force shall have 27 members. The Governor shall appoint the Chair, and
18 the Vice-Chair shall be elected by the Task Force. The Director of the Department of Health
19 and Human Services, the Director of the Division of Medical Assistance in the Department of
20 Health and Human Services, and the Director of the Division of Aging in the Department of
21 Health and Human Services, or their designees, shall be members of the Task Force.
22 Appointments to the Task Force shall be made as follows:

- 23 ...
24 (2) By the General Assembly upon the recommendation of the Speaker of the
25 House of Representatives, as follows:
26 a. Three members of the House of Representatives;
27 b. A stroke survivor;
28 c. A county commissioner;
29 d. A licensed dietitian/nutritionist; person who specializes in dietetics
30 and nutrition;
31 e. A pharmacist; and
32 f. A registered nurse.

33"

34
35 **LOTTERY OVERSIGHT COMMISSION**

36 **SECTION 1.2.(a)** G.S. 18C-172 is repealed.



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1 **SECTION 1.2.(b)** G.S. 18C-115 reads as rewritten:

2 "**§ 18C-115. Reports.**

3 The Commission shall send quarterly and annual reports on the operations of the
4 Commission to the Governor, State Treasurer, ~~the Lottery Oversight Committee,~~ and to the
5 General Assembly. The reports shall include complete statements of lottery revenues, prize
6 disbursements, expenses, net revenues, and all other financial transactions involving lottery
7 funds, including the occurrence of any audit."

8
9 **SMALL BUSINESS CONTRACTOR AUTHORITY**

10 **SECTION 1.3.** Part 20 of Article 10 of Chapter 143B of the General Statutes,
11 G.S. 143B-472.100 through G.S. 143B-472.112, is repealed.

12
13 **COMMITTEE ON DROPOUT PREVENTION**

14 **SECTION 1.4.** Article 6B of Chapter 115C of the General Statutes,
15 G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.

16
17 **STATE EDUCATION COMMISSION ESTABLISHED IN CHAPTER 116C OF THE**
18 **GENERAL STATUTES**

19 **SECTION 1.5.(a)** G.S. 116C-1 reads as rewritten:

20 "**§ 116C-1. Education Cabinet created.**

21 ...

22 (c) The Education Cabinet shall be a nonvoting body that:

- 23 (1) Works to resolve issues between existing providers of education.
24 ~~(2) Sets the agenda for the State Education Commission.~~
25 (3) Develops a strategic design for a continuum of education programs, in
26 accordance with G.S. 116C-3.
27 (4) Studies other issues referred to it by the Governor or the General Assembly.

28 "

29 **SECTION 1.5.(b)** G.S. 116C-2 is repealed.

30
31 **STATE EDUCATION COMMISSION ESTABLISHED IN ARTICLE 26 OF CHAPTER**
32 **143 OF THE GENERAL STATUTES**

33 **SECTION 1.6.** Article 26 of Chapter 143 of the General Statutes, G.S. 143-261
34 through G.S. 143-266, is repealed.

35
36 **NATIONAL HERITAGE AREA DESIGNATION COMMISSION**

37 **SECTION 1.7.** Section 18.10 of S.L. 2001-491 reads as rewritten:

38 "**SECTION 18.10.** Notwithstanding G.S. 158-8.1, the Western North Carolina Regional
39 Economic Development Commission shall develop a regional heritage tourism plan and shall
40 present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May
41 1, 2002. The National Heritage Area Designation Commission created pursuant to Section 18.4
42 of this act shall terminate July 1, 2013."

43
44 **GOVERNOR'S MANAGEMENT COUNCIL**

45 **SECTION 1.8.** Part 24 of Article 9 of Chapter 143B of the General Statutes,
46 G.S. 143B-426.22, is repealed.

47
48 **CENTER FOR NURSING**

49 **SECTION 1.9.** G.S. 90-171.71 and G.S. 90-171.72 are repealed.

50
51 **BOARD OF CORRECTION**

1 **SECTION 1.10.(a)** G.S. 143B-711 reads as rewritten:

2 "**§ 143B-711. Division of Adult Correction of the Department of Public Safety –**
3 **organization.**

4 The Division of Adult Correction of the Department of Public Safety shall be organized
5 initially to include the Post-Release Supervision and Parole Commission, ~~the Board of~~
6 ~~Correction,~~ the Section of Prisons of the Division of Adult Correction, the Section of
7 Community Corrections, the Section of Alcoholism and Chemical Dependency Treatment
8 Programs, and such other divisions as may be established under the provisions of the Executive
9 Organization Act of 1973."

10 **SECTION 1.10.(b)** G.S. 143B-715 is repealed.

11
12 **BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE**
13 **NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS**

14 **SECTION 1.11.(a)** Part 22 of Article 9 of Chapter 143B of the General Statutes is
15 repealed.

16 **SECTION 1.11.(b)** G.S. 120-123(4) is repealed.

17
18 **BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II**
19 **SETTLEMENT FUNDS**

20 **SECTION 1.12.** Board of Directors of the Certification Entity for Phase II
21 Settlement Funds, established pursuant to S.L. 1999-333, is abolished.

22
23 **ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND**
24 **COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS**

25 **SECTION 1.13.** The following session laws are repealed:

- 26 (1) Section 26 of S.L. 2010-169, which established the Public Funding of
27 Council of State Elections Commission.
28 (2) Section 11 of S.L. 2005-442, as amended by S.L. 2006-73, S.L. 2008-81,
29 S.L. 2009-306, and S.L. 2011-266, which established the Legislative
30 Commission on Global Climate Change.
31 (3) S.L. 2011-301, which established the Arts Education Commission.

32
33 **PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS**

34
35 **COASTAL RESOURCES COMMISSION**

36 **SECTION 2.1.** G.S. 113A-104 reads as rewritten:

37 "**§ 113A-104. Coastal Resources Commission.**

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

41 ~~(b) Composition.—The Coastal Resources Commission shall consist of 15 members~~
42 ~~appointed by the Governor, as follows:~~

- 43 ~~(1) One who shall at the time of appointment be actively connected with or have~~
44 ~~experience in commercial fishing.~~
45 ~~(2) One who shall at the time of appointment be actively connected with or have~~
46 ~~experience in wildlife or sports fishing.~~
47 ~~(3) One who shall at the time of appointment be actively connected with or have~~
48 ~~experience in marine ecology.~~
49 ~~(4) One who shall at the time of appointment be actively connected with or have~~
50 ~~experience in coastal agriculture.~~

- 1 (5) One who shall at the time of appointment be actively connected with or have
2 experience in coastal forestry.
- 3 (6) One who shall at the time of appointment be actively connected with or have
4 experience in coastal land development.
- 5 (7) One who shall at the time of appointment be actively connected with or have
6 experience in marine related business (other than fishing and wildlife).
- 7 (8) One who shall at the time of appointment be actively connected with or have
8 experience in engineering in the coastal area.
- 9 (9) One who shall at the time of appointment be actively associated with a State
10 or national conservation organization.
- 11 (10) One who shall at the time of appointment be actively connected with or have
12 experience in financing of coastal land development.
- 13 (11) Two who shall at the time of appointment be actively connected with or
14 have experience in local government within the coastal area.
- 15 (12) Three at large members.

16 **(b1) Composition.** – The Coastal Resources Commission shall consist of 11 members.
17 Two at-large members shall be appointed by the General Assembly upon the recommendation
18 of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and two at-large
19 members shall be appointed by the General Assembly upon the recommendation of the Speaker
20 of the House of Representatives in accordance with G.S. 120-121. Seven members shall be
21 appointed by the Governor, as follows:

- 22 (1) Two who shall at the time of appointment be coastal property owners or
23 experienced in land development.
- 24 (2) One who shall at the time of appointment be actively connected with or have
25 experience in coastal-related business.
- 26 (3) Two who shall at the time of appointment be actively connected with or
27 have experience in engineering in the coastal area or a marine related
28 science.
- 29 (4) One who shall serve at-large.
- 30 (5) One who shall at the time of appointment be actively connected with or have
31 experience in local government within the coastal area.

32 **(c) Appointment of Members.** – The term "appointing authority" appearing anywhere in
33 this section means the Governor in the case of members appointed by the Governor, and means
34 any member of the General Assembly in the case of members appointed by the General
35 Assembly. Appointments to the Commission shall be made to provide knowledge and
36 experience in a diverse range of coastal interests. The members of the Commission shall serve
37 and act on the Commission solely for the best interests of the public and public trust, and shall
38 bring their particular knowledge and experience to the Commission for that end alone. Counties
39 and cities in the coastal area may designate and transmit to the appointing authorities no later
40 than May 1 of each even-numbered year qualified persons in the categories set out in
41 subsection (b1) of this section corresponding to the Commission positions to be filled that year.

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) 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
51 disclosure of potential conflicts of interest by members. The Governor, by executive order,

1 shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining
2 the eligibility of persons under this section.

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

37 ~~(e) Residential Qualifications.—All nominees of the several boards of county~~
38 ~~commissioners and city governing bodies must reside within the coastal area, but need not~~
39 ~~reside in the county from which they were nominated. No more than one of those members~~
40 ~~appointed by the Governor from among said nominees may reside in a particular county. No~~
41 ~~more than two members of the entire Commission, at any time, may reside in a particular~~
42 ~~county. No more than two members of the entire Commission, at any time, may reside outside~~
43 ~~the coastal area.~~

44 ~~(f) Office May Be Held Concurrently with Others. — Membership on the Coastal~~
45 ~~Resources Commission is hereby declared to be an office that may be held concurrently with~~
46 ~~other elective or appointive offices in addition to the maximum number of offices permitted to~~
47 ~~be held by one person under G.S. 128-1.1.~~

48 ~~(g) Terms. — The members shall serve staggered terms of office of four years. The terms~~
49 ~~of all Commission members serving on the Commission on January 1, 2013, shall expire when~~
50 ~~this subsection becomes law. A new Commission of 11 members shall be appointed in the~~
51 ~~manner provided by subsection (b1) of this section. The members whose qualifications are~~

1 described by subdivisions (1), (2), (3), (4), and (5) of subsection (b1) of this section shall serve
2 an initial term of two years and four years thereafter. The members whose qualifications are
3 described by subdivision (6) of subsection (b1) of this section and the four at-large members
4 shall serve an initial term of four years and four years thereafter. Initial terms shall expire on
5 June 30 of the year of expiration. At the expiration of each member's term, the Governor
6 appointing authority shall reappoint or replace the member with a new member of like
7 qualification (as specified in subsection (b)(b1) of this section), in the manner provided by
8 subsections (c) and (d) of this section. The initial term shall be determined by the Governor in
9 accordance with customary practice but eight of the initial members shall be appointed for two
10 years and seven for four years.

11 (h) Vacancies. – In the event of a vacancy arising otherwise than by expiration of term,
12 the Governor appointing authority shall appoint a successor of like qualification (as specified in
13 subsection ~~(b)~~(b1) of this section) who shall then serve the remainder of his predecessor's term.
14 ~~When any such vacancy arises, the Governor shall immediately notify the board of~~
15 ~~commissioners of each county in the coastal area and the governing body of each incorporated~~
16 ~~city within the coastal area. Within 30 days after receipt of such notification each such county~~
17 ~~board and city governing body shall nominate and transmit to the Governor the name and~~
18 ~~address of one person who is qualified in the category represented by the position to be filled,~~
19 ~~together with a brief summary of the qualifications of the nominee. The Governor shall make~~
20 ~~the appointment from among said city and county nominees. If any county board or city~~
21 ~~governing body fails to make a timely transmittal of its nominee, the Governor may add to the~~
22 ~~nominations a qualified person in lieu of said nominee; Provided however, the Governor may~~
23 ~~not add to the list a nominee in lieu of one not transmitted by an incorporated city within the~~
24 ~~coastal area that neither has a population of 2,000 or more nor is contiguous with the Atlantic~~
25 ~~Ocean.~~

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

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

32 ~~(k) In making appointments to and filling vacancies upon the Commission, the~~
33 ~~Governor shall give due consideration to securing appropriate representation of women and~~
34 ~~minorities.~~

35 (l) Attendance. – Regular attendance at Commission meetings is a duty of each
36 member. The Commission shall develop procedures for declaring any seat on the Commission
37 to be vacant upon failure by a member to perform this duty.

38 (m) Quorum. – A majority of the Commission shall constitute a quorum."

40 COASTAL RESOURCES ADVISORY COUNCIL

41 SECTION 2.2. G.S. 113A-105 reads as rewritten:

42 "§ 113A-105. Coastal Resources Advisory Council.

43 (a) Creation. – There is hereby created and established a council to be known as the
44 Coastal Resources Advisory Council.

45 (b) Membership and Terms. – The Coastal Resources Advisory Council shall consist of
46 not more than ~~45~~ 20 members appointed or designated as follows:

47 (1) ~~Two individuals designated by the Secretary from among the employees of~~
48 ~~the Department;~~

49 (1a) ~~The Secretary of Commerce or person designated by the Secretary of~~
50 ~~Commerce;~~

- 1 (2) ~~The Secretary of Administration or person designated by the Secretary of~~
 2 ~~Administration;~~
 3 (3) ~~The Secretary of Transportation or person designated by the Secretary of~~
 4 ~~Transportation; and one additional member selected by the Secretary of~~
 5 ~~Transportation from the Department of Transportation;~~
 6 (4) ~~The State Health Director or the person designated by the State Health~~
 7 ~~Director;~~
 8 (5) ~~The Commissioner of Agriculture or person designated by the~~
 9 ~~Commissioner of Agriculture;~~
 10 (6) ~~The Secretary of Cultural Resources or person designated by the Secretary~~
 11 ~~of Cultural Resources;~~
 12 (7) ~~One member from each of the four multi-county planning districts of the~~
 13 ~~coastal area to be appointed by the lead regional agency of each district;~~
 14 (8) ~~One representative from each of the counties in the coastal area to be~~
 15 ~~designated by the respective boards of county commissioners;~~
 16 (9) ~~No more than eight additional members representative of cities in the coastal~~
 17 ~~area and to be designated by the Commission;~~
 18 (10) ~~Three members selected by the Commission who are marine scientists or~~
 19 ~~technologists;~~
 20 (11) ~~One member who is a local health director selected by the Commission upon~~
 21 ~~the recommendation of the Secretary.~~

22 by the Coastal Resources Commission. At least one-half of the members appointed by the
 23 Commission to the Council shall reside in counties in the coastal area. Counties and cities in
 24 the coastal area may nominate candidates for consideration by the Commission. The terms of
 25 all Council members serving on the Council on January 1, 2013, shall expire on June 30, 2013.
 26 A new Council shall be appointed in the manner provided by this subsection with terms
 27 beginning on July 1, 2013, and expiring on June 30, 2015. Members may be reappointed at the
 28 discretion of the Commission, provided that one-half of the membership at the beginning of
 29 any two-year term are residents of counties in the coastal area.

30 (c) Functions and Duties. – The Advisory Council shall assist the Secretary and the
 31 Secretary of Administration in an advisory capacity:

- 32 (1) On matters which may be submitted to it by either of them or by the
 33 Commission, including technical questions relating to the development of
 34 rules, and
 35 (2) On such other matters arising under this Article as the Council considers
 36 appropriate.

37 (d) Multiple Offices. – Membership on the Coastal Resources Advisory Council is
 38 hereby declared to be an office that may be held concurrently with other elective or appointive
 39 offices (except the office of Commission member) in addition to the maximum number of
 40 offices permitted to be held by one person under G.S. 128-1.1.

41 (e) Chairman and Vice-Chairman. – A chairman and vice-chairman shall be elected
 42 annually by the Council.

43 (f) Compensation. – The members of the Advisory Council who are not State
 44 employees shall receive per diem and necessary travel and subsistence expenses in accordance
 45 with the provisions of G.S. 138-5."
 46

47 ENVIRONMENTAL MANAGEMENT COMMISSION

48 SECTION 2.3. G.S. 143B-283 reads as rewritten:

49 "§ 143B-283. Environmental Management Commission – members; selection; removal;
 50 compensation; quorum; services.

1 ~~(a) The Environmental Management Commission shall consist of 13 members~~
2 ~~appointed by the Governor. The Governor shall select the members so that the membership of~~
3 ~~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 (a1) The Environmental Management Commission shall consist of 13 members. Seven
34 members shall be appointed by the Governor, with qualifications as follows:

- 35 (1) One who shall be a licensed physician.
- 36 (2) Two who shall, at the time of appointment, have special training or scientific
37 expertise in hydrology, water pollution control, or the effects of water
38 pollution.
- 39 (3) One who shall, at the time of appointment, be actively employed by, or
40 recently retired from, an industrial manufacturing facility and shall be
41 knowledgeable in the field of industrial pollution control.
- 42 (4) Two who shall, at the time of appointment, have special training or scientific
43 expertise in ecology, air pollution control or the effects of air pollution.
- 44 (5) One who shall serve at-large.

45 ~~(b) Members appointed by the Governor shall serve terms of office of six years. Any~~
46 ~~appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or~~
47 ~~disability of a member shall be for the balance of the unexpired term. The Governor may~~
48 ~~reappoint a member of the Commission to an additional term if, at the time of the~~
49 ~~reappointment, the member qualifies for membership on the Commission under subsection~~
50 ~~(a)(a1) of this section.~~

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

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

6 (b3) A majority of the Commission shall constitute a quorum for the transaction of
7 business.

8 (b4) All clerical and other services required by the Commission shall be supplied by the
9 Secretary of Environment and Natural Resources.

10 (c) ~~Nine of the members appointed by the Governor under this section shall be persons~~
11 ~~who do not derive any significant portion of their income from persons subject to permits or~~
12 ~~enforcement orders under this Chapter.~~ The Governor shall require adequate disclosure of
13 potential conflicts of interest by members. The Governor, by executive order, shall promulgate
14 criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of
15 persons under this section, giving due regard to the requirements of federal legislation, and for
16 this purpose may promulgate rules, regulations or guidelines in conformance with those
17 established by any federal agency interpreting and applying provisions of federal law.

18 (d) In addition to the members designated by subsection ~~(a)~~(a1) of this section, the
19 General Assembly shall appoint six members, three upon the recommendation of the Speaker
20 of the House of Representatives, and three upon the recommendation of the President Pro
21 Tempore of the Senate. Appointments by the General Assembly shall be made in accordance
22 with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with
23 G.S. 120-122. ~~Members appointed by the General Assembly shall serve terms of two years.~~

24 (e) The terms of all members of the Commission serving on January 1, 2013, shall
25 expire when this subsection becomes law. A new Commission of 13 members, as described by
26 subsections (a1) and (d) of this section, shall be appointed with terms staggered as follows:
27 members appointed under subsection (a1) of this section shall serve a two-year term and
28 four-year terms thereafter; and members appointed under subsection (d) of this section shall
29 serve a four-year term and four-year terms thereafter. Initial terms shall expire on June 30 of
30 the year of expiration. Members of the Commission appointed to any other State board or
31 commission as a representative of the Commission shall no longer serve as a member of those
32 boards or commissions after this subsection becomes law, and a new Commission
33 representative shall be appointed as provided by law."

34 35 INDUSTRIAL COMMISSION

36 SECTION 2.4.(a) Effective April 15, 2013, G.S. 97-77 reads as rewritten:

37 "§ 97-77. **North Carolina Industrial Commission created; members appointed by**
38 **Governor; terms of office; ~~chairman~~ chair.**

39 (a) There is hereby created a commission to be known as the North Carolina Industrial
40 Commission, consisting of six commissioners who shall devote their entire time to the duties of
41 the Commission. The Governor shall appoint the members of the Commission for terms of
42 ~~six~~four years. The terms shall be staggered. Three commissioners shall be persons who, on
43 account of their previous vocations, employment or affiliations, can be classed as
44 representatives of employers. Three commissioners shall be persons who, on account of their
45 previous vocations, employment or affiliations, can be classed as representatives of employees.
46 No person may serve more than two terms on the Commission, including any term served prior
47 to the effective date of this section. In calculating the number of terms served, a partial term
48 that is less than three years in length shall not be included.

49 (a1) Appointments of commissioners are subject to confirmation by the General
50 Assembly by joint resolution. The names of commissioners to be appointed by the Governor
51 shall be submitted by the Governor to the General Assembly for confirmation by the General

1 Assembly on or before March 1 of the year of expiration of the term. If the Governor fails to
2 timely submit nominations, the General Assembly shall appoint to fill the succeeding term
3 upon the joint recommendation of the President Pro Tempore of the Senate and the Speaker of
4 the House of Representatives in accordance with G.S. 120-121 not inconsistent with this
5 section.

6 In case of death, incapacity, resignation, or any other vacancy in the office of any
7 commissioner prior to the expiration of the term of office, a nomination to fill the vacancy for
8 the remainder of the unexpired term shall be submitted by the Governor within four weeks after
9 the vacancy arises to the General Assembly for confirmation by the General Assembly. If the
10 Governor fails to timely nominate a person to fill the vacancy, the General Assembly shall
11 appoint a person to fill the remainder of the unexpired term upon the joint recommendation of
12 the President Pro Tempore of the Senate and the Speaker of the House of Representatives in
13 accordance with G.S. 120-121 not inconsistent with this section. If a vacancy arises or exists
14 pursuant to this subsection when the General Assembly is not in session, and the appointment is
15 deemed urgent by the Governor, the commissioner may be appointed and serve on an interim
16 basis pending confirmation by the General Assembly. For the purpose of this subsection, the
17 General Assembly is not in session only (i) prior to convening of the Regular Session, (ii)
18 during any adjournment of the Regular Session for more than 10 days, and (iii) after sine die
19 adjournment of the Regular Session.

20 No person while in office as a commissioner may be nominated or appointed on an interim
21 basis to fill the remainder of an unexpired term, or to a full term that commences prior to the
22 expiration of the term that the commissioner is serving.

23 (b) One member, to be designated by the Governor, shall act as ~~chairman~~-~~chair~~. The
24 ~~chairman~~-~~chair~~ shall be the chief judicial officer and the chief executive officer of the Industrial
25 Commission; such authority shall be exercised pursuant to the provisions of Chapter 126 of the
26 General Statutes and the rules and policies of the State Personnel Commission.
27 Notwithstanding the provisions of this Chapter, the ~~chairman~~-~~chair~~ shall have such authority as
28 is necessary to direct and oversee the Commission. The ~~chairman~~-~~chair~~ may delegate any duties
29 and responsibilities as may be necessary to ensure the proper management of the Industrial
30 Commission. Notwithstanding the provisions of this Chapter, Chapter 143A, and Chapter 143B
31 of the General Statutes, the ~~chairman~~-~~chair~~ may hire or fire personnel and transfer personnel
32 within the Industrial Commission.

33 The Governor may designate one ~~vice-chairman~~-~~vice-chair~~ from the remaining
34 commissioners. The ~~vice-chairman~~-~~vice-chair~~ shall assume the powers of the ~~chairman~~-~~chair~~
35 upon request of the ~~chairman~~-~~chair~~ or when the ~~chairman~~-~~chair~~ is absent for 24 hours or more.
36 The authority delegated to the ~~vice-chairman~~-~~vice-chair~~ shall be relinquished immediately upon
37 the return of the ~~chairman~~-~~chair~~ or at the request of the ~~chairman~~-~~chair~~.

38 (c) The Commission shall adopt, by majority vote, bylaws to govern the conduct of its
39 business. A quorum of the Commission consists of a simple majority of the membership."

40 **SECTION 2.4.(b)** The terms of the Industrial Commission members serving terms
41 established by Section 22 of S.L. 2011-287 shall terminate on April 15, 2013. The Governor
42 shall appoint new members upon the confirmation by the General Assembly. The terms of the
43 six new members of the Industrial Commission shall be staggered as follows:

- 44 (1) Two to serve terms beginning April 15, 2013, and expiring June 30, 2015,
45 with subsequent appointments to those positions serving four-year terms.
- 46 (2) Two to serve terms beginning April 15, 2013, and expiring June 30, 2016,
47 with subsequent appointments to those positions serving four-year terms.
- 48 (3) Two to serve terms beginning April 15, 2013, and expiring June 30, 2017,
49 with subsequent appointments to those positions serving four-year terms.

50 **SECTION 2.4.(c)** Effective April 15, 2013, Section 22 of S.L. 2011-287 is
51 repealed.

1
2 UTILITIES COMMISSION

3 SECTION 2.5. G.S. 62-10 reads as rewritten:

4 "§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies;
5 compensation; other employment prohibited.6 (a) The North Carolina Utilities Commission shall consist of seven commissioners who
7 shall be appointed by the Governor subject to confirmation by the General Assembly by joint
8 resolution. The names of commissioners to be appointed by the Governor shall be submitted by
9 the Governor to the General Assembly for confirmation by the General Assembly on or before
10 May 1, of the year in which the terms for which the appointments are to be made are to expire.
11 Upon failure of the Governor to submit names as herein provided, the Lieutenant Governor and
12 Speaker of the House jointly shall submit the names of a like number of commissioners to the
13 General Assembly on or before May 15 of the same year for confirmation by the General
14 Assembly. Regardless of the way in which names of commissioners are submitted,
15 confirmation of commissioners must be accomplished prior to adjournment of the then current
16 session of the General Assembly. This subsection shall be subject to the provisions of
17 subsection ~~(e)~~(c1) of this section.18 ~~(b) The terms of the commissioners now serving shall expire at the conclusion of the~~
19 ~~term for which they were appointed which shall remain as before with two regular eight year~~
20 ~~terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on~~
21 ~~July 1 of each eighth year after July 1, 1963. The terms of office of utilities commissioners~~
22 ~~thereafter shall be six years commencing on July 1 of the year in which the predecessor terms~~
23 ~~expired, and ending on July 1 of the sixth year thereafter.~~24 ~~(e) In order to increase the number of commissioners to seven, the names of two~~
25 ~~additional commissioners shall be submitted to the General Assembly on or before May 27,~~
26 ~~1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The~~
27 ~~commissioners so appointed and confirmed shall serve new terms commencing on July 1, 1975,~~
28 ~~one of which shall be for a period of two years (with the immediate successor serving for a~~
29 ~~period of six years), and one of which shall be for a period of two years.~~30 ~~Thereafter, the terms of office of the additional commissioners shall be for six years as~~
31 ~~provided in G.S. 62-10(b).~~32 (c1) The terms of all commissioners serving on the Commission as of January 1, 2013,
33 shall terminate when this section becomes law. Subject to subsection (a) of this section, the
34 Governor shall submit the names of commissioners to the General Assembly as follows:35 (1) Three to serve terms terminating June 30, 2019.36 (2) Two to serve terms terminating June 30, 2017.37 (3) Two to serve terms terminating June 30, 2015.38 Notwithstanding subsection (e) of this section, the Governor shall appoint one of the
39 commissioners appointed and confirmed pursuant to this subsection to serve as chair of the
40 Commission for the succeeding four years and until the commissioner's successor is duly
41 confirmed and qualified. Upon the expiration of the chair's four-year term, the Governor shall
42 appoint a chair as provided in subsection (e) of this section.43 (d) Except as provided in subsection (c1) of this section, the commissioners shall serve
44 staggered six-year terms, which shall commence on July 1 of the year in which the
45 predecessors' terms expired and shall end on July 1 of the sixth year thereafter. A commissioner
46 in office shall continue to serve until his successor is duly confirmed and qualified but such
47 holdover shall not affect the expiration date of such succeeding term.48 (e) On July 1, 1965, and every four years thereafter, one of the commissioners shall be
49 designated by the Governor to serve as ~~chairman~~chair of the Commission for the succeeding
50 four years and until his successor is duly confirmed and qualifies. Upon death or resignation of
51 the commissioner appointed as ~~chairman~~chair, the Governor shall designate the ~~chairman~~chair

1 from the remaining commissioners and appoint a successor as hereinafter provided to fill the
2 vacancy on the Commission.

3 (f) In case of death, incapacity, resignation or vacancy for any other reason in the office
4 of any commissioner prior to the expiration of his term of office, the name of his successor
5 shall be submitted by the Governor within four weeks after the vacancy arises to the General
6 Assembly for confirmation by the General Assembly. Upon failure of the Governor to submit
7 the name of the successor, the Lieutenant Governor and Speaker of the House jointly shall
8 submit the name of a successor to the General Assembly within six weeks after the vacancy
9 arises. Regardless of the way in which names of commissioners are submitted, confirmation of
10 commissioners must be accomplished prior to the adjournment of the then current session of
11 the General Assembly.

12 (g) If a vacancy in the office of any commissioner arises or exists pursuant to either
13 subsection (a) or ~~(e)~~ ~~or~~ (f) of this section when the General Assembly is not in session, and the
14 appointment is deemed urgent by the Governor, the commissioner may be appointed and serve
15 on an interim basis pending confirmation by the General Assembly.

16"

17 18 WILDLIFE RESOURCES COMMISSION

19 SECTION 2.6.(a) Effective July 1, 2013, G.S. 143-241 reads as rewritten:

20 "§ 143-241. **Appointment and terms of office of Commission members; filling of**
21 **vacancies.**

22 The members of the North Carolina Wildlife Resources Commission shall be appointed as
23 follows:

24 The Governor shall appoint one member each from the first, fourth, and seventh wildlife
25 districts to serve ~~six-year~~ two-year terms;

26 The Governor shall appoint one member each from the second, fifth, and eighth wildlife
27 districts to serve two-year terms;

28 The Governor shall appoint one member each from the third, sixth, and ninth wildlife
29 districts to serve ~~four-year terms;~~ two-year terms.

30 ~~The Governor shall also appoint two at large members to serve four-year terms.~~

31 The General Assembly shall appoint ~~eight~~ 10 members of the Commission to serve two-year
32 terms, ~~four~~ five upon the recommendation of the Speaker of the House, ~~four~~ and five upon the
33 recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.
34 ~~Of the members appointed upon the recommendation of the Speaker of the House and upon the~~
35 ~~recommendation of the President Pro Tempore of the Senate, at least one of each shall be a~~
36 ~~member of the political party to which the largest minority of the members of the General~~
37 ~~Assembly belongs.~~

38 The terms of all appointed members serving on the Commission as of January 1, 2013, shall
39 terminate on June 30, 2013. Thereafter as the terms of office of the members of the
40 Commission ~~appointed by the Governor from the several wildlife districts expire~~, their
41 successors shall be appointed for terms of ~~six~~ two years each. As the terms of office of the
42 members of the Commission appointed by the General Assembly expire, their successors shall
43 be appointed for terms of two years each. All members appointed by the Governor serve at the
44 pleasure of the Governor that appointed them and they may be removed by that Governor at
45 any time. A successor to the appointing Governor may remove a Commission member only for
46 cause as provided in G.S. 143B-13. Members appointed by the General Assembly serve at the
47 pleasure of that body and may be removed by law at any time. In the event that a Commission
48 member is removed, the member appointed to replace the removed member shall serve only for
49 the unexpired term of the removed member."

50 SECTION 2.6.(b) G.S. 143-243 reads as rewritten:

1 **"§ 143-243. Organization of the Commission; election of officers; Robert's Rules of**
2 **Order.**

3 The Commission shall hold at least two meetings annually, one in January and one in July,
4 and ~~sevena~~ seventeen majority of the members of the Commission shall constitute a quorum for the
5 transaction of business. Additional meetings may be held at such other times within the State as
6 may be deemed necessary for the efficient transaction of the business of the Commission. The
7 Commission may hold additional or special meetings at any time at the call of the chairman or
8 on call of any five members of the Commission. The Commission shall determine its own
9 organization and methods of procedure in accordance with the provisions of this Article, and
10 shall have an official seal, which shall be judicially noticed.

11 At the first scheduled meeting of the Commission after July 1, 1977, and on July 1 of each
12 odd-numbered year thereafter, the Commission shall select from among its membership a
13 chairman and a vice-chairman who shall serve for terms of two years or until their successors
14 are elected and qualified. The Secretary of Environment and Natural Resources or his designee
15 shall serve as secretary of the Commission.

16 The chairman shall guide and coordinate the official actions and official activities of the
17 Commission in fulfilling its program responsibility for (i) the appointment and separation of the
18 executive director of the Commission, (ii) organizing the personnel of the Commission, (iii)
19 setting the statewide policy of the Commission, (iv) budgeting and planning the use of the
20 Wildlife and Motorboat Funds, subject to the approval of the General Assembly, (v) holding
21 public hearings, and (vi) adopting rules as authorized by law. The chairman shall report to and
22 advise the Governor on the official actions and work of the Commission and on all wildlife
23 conservation and boating safety matters that affect the interest of the people of the State.

24 Meetings of the Commission shall be conducted pursuant to Robert's Rules of Order."
25

26 **NORTH CAROLINA TURNPIKE AUTHORITY**

27 **SECTION 2.7.** G.S. 136-89.182 reads as rewritten:

28 **"§ 136-89.182. North Carolina Turnpike Authority.**

29 (a) Creation. – There is created a body politic and corporate to be known as the "North
30 Carolina Turnpike Authority". The Authority is constituted as a public agency, and the exercise
31 by the Authority of the powers conferred by this Article in the construction, operation, and
32 maintenance of toll roads and bridges shall be deemed and held to be the performance of an
33 essential governmental function.

34 (b) Administrative Placement. – The Authority shall be located within the Department
35 of Transportation and shall be subject to and under the direct supervision of the Secretary of
36 Transportation.

37 (c) Authority Board. – ~~The Board of Transportation is ex officio the Authority Board of~~
38 ~~the North Carolina Turnpike Authority. The North Carolina Turnpike Authority shall be~~
39 ~~governed by a nine member Authority Board consisting of two members appointed by the~~
40 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate in~~
41 ~~accordance with G.S. 120-121, two members appointed by the General Assembly upon the~~
42 ~~recommendation of the Speaker of the House of Representatives in accordance with~~
43 ~~G.S. 120-121, four members appointed by the Governor, and the Secretary of Transportation.~~
44 ~~Each appointing authority shall appoint members who reside in diverse regions of the State.~~
45 ~~The Chair of the Authority shall be selected by the Authority Board.~~

46 (d) Board of Transportation Members. – Members of the North Carolina Board of
47 Transportation may serve as members of the Authority Board.

48 (e) Staggered Terms. — ~~One of the initial appointments to the Authority Board by the~~
49 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate, one~~
50 ~~of the initial appointments to the Authority Board by the General Assembly upon the~~
51 ~~recommendation of the Speaker of the House of Representatives, and three of the initial~~

1 appointments of the Governor shall be appointed to terms ending January 14, 2007. One of the
2 initial appointments to the Authority Board by the General Assembly upon the recommendation
3 of the President Pro Tempore of the Senate, one of the initial appointments to the Authority
4 Board by the General Assembly upon the recommendation of the Speaker of the House of
5 Representatives, and one of the initial appointments of the Governor shall be appointed to
6 terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex officio
7 voting member of the Board. Thereafter, at the expiration of each stipulated term of office, all
8 appointments shall be to a term of four years from the date of the expiration of the term.

9 (f) ~~Vacancies.~~— All members of the Authority Board shall remain in office until their
10 successors are appointed and qualified. The original appointing authority may appoint a
11 member to serve out the unexpired term of any member.

12 (g) ~~Removal of Board Members.~~— Each member of the Authority Board,
13 notwithstanding subsection (e) of this section, shall serve at the pleasure of the appointing
14 authority. The Chair of the Authority serves at the pleasure of the Authority Board.

15 (h) ~~Conflicts of Interest, Ethics.~~— Members of the Authority Board shall be subject to
16 the provisions of G.S. 136-13, 136-13.1, and 136-14.

17 (i) ~~Compensation.~~— The appointed members of the Authority Board shall receive no
18 salary for their services but shall be entitled to receive per diem and travel allowances in
19 accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

20 (j) ~~Bylaws.~~— The Authority Board shall adopt, change, or amend bylaws with respect
21 to the calling of meetings, quorums, voting procedures, the keeping of records, and other
22 organizational, staffing, and administrative matters as the Authority Board may determine. Any
23 bylaws, or subsequent changes or amendments to the bylaws, shall be included in the Annual
24 Report as required by G.S. 136-89.193.

25 (k) ~~Executive Director and Administrative Employees.~~— ~~The Authority Board shall~~
26 ~~appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its~~
27 ~~pleasure. The Secretary of Transportation, or the Secretary's designee, The Executive Director~~
28 ~~shall be the Authority's chief administrative officer and shall be responsible for the daily~~
29 ~~administration of the toll roads and bridges constructed, maintained, or operated pursuant to~~
30 ~~this Article. The Secretary or the Secretary's designee The Executive Director or his designee~~
31 ~~shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the~~
32 ~~compensation of administrative employees as the Executive Director deems necessary to carry~~
33 ~~out this Article.~~

34 (l) ~~Office.~~— The offices of the Authority may be housed in one or more facilities of the
35 Department of Transportation."
36

37 SPECIAL SUPERIOR COURT JUDGES

38 **SECTION 2.8.** Effective July 1, 2013, G.S. 7A-45.1 is amended by adding a new
39 subsection to read:

40 "(a8) Notwithstanding any other provision of this section, except as to those three seats
41 designated as of January 1, 2013, under G.S. 7A-45.3 as business court judges, effective on and
42 after July 1, 2013, any seat established by this section is abolished."
43

44 STATE BOARD OF ELECTIONS

45 **SECTION 2.9.(a)** G.S. 163-19 reads as rewritten:

46 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

47 ~~All of the terms of office of the present members of the State Board of Elections shall~~
48 ~~expire on May 1, 1969, or when their successors in office are appointed and qualified.~~

49 (a) The State Board of Elections shall consist of five registered voters whose terms of
50 office shall begin on May 1, 1969, and shall continue for four years, and until their successors
51 are appointed and qualified. The Governor shall appoint the members of this Board and

1 likewise shall appoint their successors every four years at the expiration of each four-year term.
2 No person may serve more than three four-year terms, and the term of any person currently
3 serving on this Board who has served more than three four-year terms shall terminate on the
4 effective date of this sentence.

5 (b) Not more than three members of the Board shall be members of the same political
6 party. The Governor shall appoint the members from a list of nominees submitted to him by the
7 State party chairman of each of the two political parties having the highest number of registered
8 affiliates as reflected by the latest registration statistics published by the State Board of
9 Elections. Each party chairman shall submit a list of five nominees who are affiliated with that
10 political party.

11 (c) Any vacancy occurring in the Board shall be filled by the Governor, and the person
12 so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of
13 three nominees submitted to him by the State party chairman of the political party that
14 nominated the vacating member as provided by the preceding paragraph. The three nominees
15 must be affiliated with that political party.

16 (c1) Notwithstanding subsection (c) of this section, if (i) a vacancy occurs in the State
17 Board of Elections during the period beginning when a Governor takes office after election and
18 ending April 30 of that year, (ii) the Governor is a member of a different political party than the
19 preceding Governor, and (iii) the vacating member is not a member of the same political party
20 as the new Governor, then the first such vacancy occurring in the Board shall be filled by the
21 Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the
22 vacancy from among lists of three nominees submitted by the State party chair of each of the
23 political parties with registered voters, as reflected by the latest registration statistics published
24 by the State Board of Elections. Nominees of a party chair must be affiliated with that party.
25 Failure by a party chair to submit such a list within five days of request by the Governor
26 constitutes a waiver of the requirement that the party submit a list.

27 (d) At the first meeting held after new appointments are made, the members of the State
28 Board of Elections shall take the following oath:

29 "I, _____, do solemnly swear (or affirm) that I will support the
30 Constitution of the United States; that I will be faithful and bear true
31 allegiance to the State of North Carolina, and to the constitutional powers
32 and authorities which are or may be established for the government thereof;
33 that I will endeavor to support, maintain and defend the Constitution of said
34 State, and that I will well and truly execute the duties of the office of
35 member of the State Board of Elections according to the best of my
36 knowledge and ability, according to law, so help me, God."

37 After taking the prescribed oath, the Board shall organize by electing one of its members
38 chairman and another secretary.

39 (e) No person shall be eligible to serve as a member of the State Board of Elections
40 who holds any elective or appointive office under the government of the United States, or of
41 the State of North Carolina or any political subdivision thereof. No person who holds any office
42 in a political party, or organization, or who is a candidate for nomination or election to any
43 office, or who is a campaign manager or treasurer of any candidate in a primary or election
44 shall be eligible to serve as a member of the State Board of Elections."

45 **SECTION 2.9.(b)** This section is effective when this act becomes law.
46

47 STATE BOARD OF EDUCATION

48 **SECTION 2.11.** G.S. 115C-11(a) and (h) read as rewritten:

49 "§ 115C-11. Organization and internal procedures of Board.

50 (a) Presiding Officer. – The Governor shall appoint a chairman from among the
51 membership of the State Board of Education. The chairman shall serve in that role at the

1 pleasure of the Governor. The State Board of Education shall elect from its membership a
2 ~~chairman and vice-chairman.~~ A majority of the Board shall constitute a quorum for the
3 transaction of business. Per diem and expenses of the appointive members of the Board shall be
4 provided by the General Assembly. The chairman of the Board shall preside at all meetings of
5 the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of
6 both the chairman and the vice-chairman, the Board shall name one of its own members as
7 chairman pro tempore.

8 ...
9 (h) Rules and Regulations. – The Board shall adopt reasonable rules and regulations not
10 inconsistent herewith, to govern its proceedings which the Board may amend from time to time,
11 which rules and regulations shall become effective when filed as provided by law: Provided,
12 however, a motion to suspend the rules so adopted shall require a consent of two-thirds of the
13 members. The rules and regulations shall include, but not be limited to, clearly defined
14 procedures for electing the ~~officers vice-chairman and chairman pro tempore~~ of the State Board
15 referred to in G.S. 115C-11(a), fixing the term of ~~said officers, the vice-chairman,~~ specifying
16 how the voting shall be carried out, and establishing a date when the first election shall be
17 held."

18 19 NORTH CAROLINA STATE LOTTERY COMMISSION

20 SECTION 2.12.(a) G.S. 18C-111 reads as rewritten:

21 "**§ 18C-111. Commission membership; appointment; selection of chair; vacancies;**
22 **removal; meetings; compensation.**

23 (a) The Commission shall consist of nine members, five of whom shall be appointed by
24 the Governor, two of whom shall be appointed by the General Assembly upon the
25 recommendation of the President Pro Tempore of the Senate, and two of whom shall be
26 appointed by the General Assembly upon the recommendation of the Speaker of the House of
27 Representatives. Commissioners may be removed by the appointing authority for cause. The
28 Governor shall select the chair of the Commission from among its membership, who shall serve
29 at the pleasure of the Governor.

30 (b) The terms of all members serving on the Commission as of January 1, 2013, shall
31 terminate on the effective date of this section. No later than July 1, 2013, Of the initial
32 appointees of the Governor, the Governor shall appoint five members to serve terms of two
33 years, three members shall serve a term of one year, one member shall serve a term of two
34 years, and one member shall serve a term of three years. Of the initial appointees of the
35 than July 1, 2013, the General Assembly~~Assembly,~~ upon the recommendation of the President
36 Pro Tempore of the Senate, ~~one member shall serve a term of two years, and one member shall~~
37 ~~serve a term of three years.~~ shall appoint two members to serve terms of two years. Of the
38 initial appointees of ~~No later than July 1, 2013,~~ the General Assembly upon the
39 recommendation of the Speaker of the House of Representatives, ~~one member shall serve a~~
40 ~~term of two years, and one member serve a term of three years.~~ shall appoint two members to
41 serve terms of two years. Initial terms shall expire on June 30 of the year of expiration. All
42 succeeding appointments shall be for terms of ~~five~~ two years. Members shall not serve for more
43 than two successive terms.

44 (c) Vacancies shall be filled by the appointing authority for the unexpired portion of the
45 term in which they occur.

46 (d) The Commission shall meet at least quarterly upon the call of the chair. A majority
47 of the total membership of the Commission shall constitute a quorum.

48 (e) Members of the Commission shall receive per diem, subsistence, and travel as
49 provided in G.S. 138-5 and G.S. 138-6."

50 SECTION 2.12.(b) This section is effective when this act becomes law.
51

CHARTER SCHOOL ADVISORY COMMITTEE

SECTION 2.13.(a) G.S. 115C-238.29I(d) is repealed.

SECTION 2.13.(b) This section is effective when this act becomes law.

PART III. ADDITIONAL GOVERNMENTAL EFFICIENCIES**SUPERVISORY POSITIONS OVER HIGHWAY PATROL MEMBERS**

SECTION 3.1. G.S. 20-196.3 reads as rewritten:

"§ 20-196.3. Who may hold supervisory positions over sworn members of the Patrol.

Notwithstanding any other provision of the General Statutes of North Carolina, ~~it shall be unlawful for any person other than the Governor and the Secretary of Public Safety and other than a uniformed member of the North Carolina State Highway Patrol who has met all requirements for employment within the Patrol, including but not limited to completion of the basic Patrol school, to hold any supervisory position over sworn members of the Patrol.~~ the following persons shall be qualified to hold a supervisory position over sworn members of the North Carolina State Highway Patrol:

(1) The Governor.

(2) The Secretary of Public Safety.

(3) A person certified as a law enforcement officer under the provisions of Chapter 17C of the General Statutes."

PART IV. EFFECTIVE DATE

SECTION 4.1. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 4.2. Unless otherwise provided, this act is effective when it becomes law. If the terms of office eliminated in this act have not been set out, then the appointing authorities shall determine by July 1, 2013, which terms to eliminate to achieve the membership totals pursuant to this act. After determining which terms to eliminate, the appointing authority shall notify in writing all the persons and entities required to receive notification pursuant to G.S. 143-47.7.