

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  
Third Edition Engrossed 2/6/13

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)** G.S. 90-353 reads as rewritten:

12 **"§ 90-353. Creation of Board.**

13 (a) The North Carolina Board of Dietetics/Nutrition is created. The Board shall consist  
14 of ~~seven~~five members as follows:

15 (1) One member shall be a professional whose primary practice is clinical  
16 dietetics/nutrition;

17 (2) One member shall be a professional whose primary practice is community or  
18 public health ~~dietetics/nutrition;~~dietetics/nutrition, or an educator on the  
19 faculty of a college or university specializing in the field of  
20 dietetics/nutrition;

21 ~~(3) One member shall be a professional whose primary practice is consulting in~~  
22 ~~dietetics/nutrition;~~

23 ~~(4)~~(3) One member shall be a professional whose primary practice is in  
24 management of nutritional services;

25 ~~(5) One member shall be an educator on the faculty of a college or university~~  
26 ~~specializing in the field of dietetics/nutrition;~~

27 ~~(6)~~(4) Two members shall represent the public at large.

28 (b) Professional members of the Board shall:

29 (1) Be citizens of the United States and residents of this State;

30 (2) Have practiced in the field of dietetics/nutrition for at least five years; and

31 (3) Be licensed under this ~~Article, except that initial appointees shall be licensed~~  
32 ~~under this Article no later than March 31, 1992.~~Article.

33 (c) The members of the Board appointed from the public at large shall be citizens of the  
34 United States and residents of this State and shall not be any of the following:

35 (1) A dietician/nutritionist.



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- 1 (2) An agent or employee of a person engaged in the profession of  
2 dietetics/nutrition.
- 3 (3) A licensed health care professional or enrolled in a program to become  
4 prepared to be a licensed health care professional.
- 5 (4) An agent or employee of a health care institution, a health care insurer, or a  
6 health care professional school.
- 7 (5) A member of any allied health profession or enrolled in a program to  
8 become prepared to be a member of an allied health profession.
- 9 (6) The spouse of an individual who may not serve as a public member of the  
10 Board."

11 **SECTION 1.1.(b)** G.S. 90-354(a) reads as rewritten:

12 "(a) The members of the Board shall be appointed as follows:

- 13 (1) The Governor shall appoint the three professional member—members  
14 described in G.S. 90-353(a)(5) and the two public members described in  
15 G.S. 90-353(a)(6);G.S. 90-353(a);
- 16 (2) The General Assembly upon the recommendation of the Speaker of the  
17 House of Representatives shall appoint the professional members—one  
18 member representing the public described in G.S. 90-353(a)(1) and  
19 G.S. 90-353(a)(2)in accordance with G.S. 120-121, one of whom shall be a  
20 nutritionist with a masters or higher degree in a nutrition related discipline;  
21 G.S. 120-121; and
- 22 (3) The General Assembly upon the recommendation of the President Pro  
23 Tempore of the Senate shall appoint one member representing the public the  
24 professional members described in G.S. 90-353(a)(3) and G.S. 90-353(a)(4)  
25 in accordance with G.S. 120-121, one of whom shall be a nutritionist with a  
26 masters or higher degree in a nutrition related discipline.G.S. 120-121.

27 (b) The terms of all members of the Board serving on January 1, 2013, shall expire  
28 March 31, 2013. Members of the Board shall take office on the first day of July immediately  
29 following the expired term of that office and shall serve for a term of three years and until their  
30 successors are appointed and qualified."

## 31 32 **LOTTERY OVERSIGHT COMMISSION**

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

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

### 35 **"§ 18C-115. Reports.**

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

## 41 42 **SMALL BUSINESS CONTRACTOR AUTHORITY**

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

## 45 46 **COMMITTEE ON DROPOUT PREVENTION**

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

## 49 50 **STATE EDUCATION COMMISSION ESTABLISHED IN CHAPTER 116C OF THE** 51 **GENERAL STATUTES**

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

2   "**§ 116C-1. Education Cabinet created.**

3    ...

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

5       (1)   Works to resolve issues between existing providers of education.

6       ~~(2)   Sets the agenda for the State Education Commission.~~

7       (3)   Develops a strategic design for a continuum of education programs, in  
8       accordance with G.S. 116C-3.

9       (4)   Studies other issues referred to it by the Governor or the General Assembly.

10   ...."

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

12  
13   **STATE EDUCATION COMMISSION ESTABLISHED IN ARTICLE 26 OF CHAPTER**  
14   **143 OF THE GENERAL STATUTES**

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

17  
18   **NATIONAL HERITAGE AREA DESIGNATION COMMISSION**

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

20           "**SECTION 18.10.** Notwithstanding G.S. 158-8.1, the Western North Carolina Regional  
21 Economic Development Commission shall develop a regional heritage tourism plan and shall  
22 present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May  
23 1, 2002. The National Heritage Area Designation Commission created pursuant to Section 18.4  
24 of this act shall terminate July 1, 2013."

25  
26   **GOVERNOR'S MANAGEMENT COUNCIL**

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

29  
30   **CENTER FOR NURSING**

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

32  
33   **BOARD OF CORRECTION**

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

35           "**§ 143B-711. Division of Adult Correction of the Department of Public Safety –**  
36           **organization.**

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

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

44  
45   **BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE**  
46   **NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS**

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

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

1 **BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II**  
2 **SETTLEMENT FUNDS**

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

5  
6 **ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND**  
7 **COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS**

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

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

15  
16 **PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS**

17  
18 **COASTAL RESOURCES COMMISSION**

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

20 **"§ 113A-104. Coastal Resources Commission.**

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

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

- 26 (1) ~~One who shall at the time of appointment be actively connected with or have~~  
27 ~~experience in commercial fishing.~~  
28 (2) ~~One who shall at the time of appointment be actively connected with or have~~  
29 ~~experience in wildlife or sports fishing.~~  
30 (3) ~~One who shall at the time of appointment be actively connected with or have~~  
31 ~~experience in marine ecology.~~  
32 (4) ~~One who shall at the time of appointment be actively connected with or have~~  
33 ~~experience in coastal agriculture.~~  
34 (5) ~~One who shall at the time of appointment be actively connected with or have~~  
35 ~~experience in coastal forestry.~~  
36 (6) ~~One who shall at the time of appointment be actively connected with or have~~  
37 ~~experience in coastal land development.~~  
38 (7) ~~One who shall at the time of appointment be actively connected with or have~~  
39 ~~experience in marine-related business (other than fishing and wildlife).~~  
40 (8) ~~One who shall at the time of appointment be actively connected with or have~~  
41 ~~experience in engineering in the coastal area.~~  
42 (9) ~~One who shall at the time of appointment be actively associated with a State~~  
43 ~~or national conservation organization.~~  
44 (10) ~~One who shall at the time of appointment be actively connected with or have~~  
45 ~~experience in financing of coastal land development.~~  
46 (11) ~~Two who shall at the time of appointment be actively connected with or~~  
47 ~~have experience in local government within the coastal area.~~  
48 (12) ~~Three at-large members.~~

49 (b1) Composition. – The Coastal Resources Commission shall consist of 11 members.  
50 Two at-large members shall be appointed by the General Assembly upon the recommendation  
51 of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and two at-large

1 members shall be appointed by the General Assembly upon the recommendation of the Speaker  
2 of the House of Representatives in accordance with G.S. 120-121. Seven members shall be  
3 appointed by the Governor, as follows:

- 4 (1) Two who shall at the time of appointment be coastal property owners or  
5 experienced in land development.
- 6 (2) One who shall at the time of appointment be actively connected with or have  
7 experience in coastal-related business.
- 8 (3) Two who shall at the time of appointment be actively connected with or  
9 have experience in engineering in the coastal area or a marine related  
10 science.
- 11 (4) One who shall serve at-large.
- 12 (5) One who shall at the time of appointment be actively connected with or have  
13 experience in local government within the coastal area.

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

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

27 ~~The remaining members of the Commission shall be appointed by the Governor after~~  
28 ~~completion of the nominating procedures prescribed by subsection (d) of this section. The~~  
29 ~~members of the Commission whose qualifications are described in subdivisions (1) through (5),~~  
30 ~~(9), and (11), shall be persons who do not derive any significant portion of their income from~~  
31 ~~land development, construction, real estate sales, or lobbying and do not otherwise serve as~~  
32 ~~agents for development-related business activities. The Governor shall require adequate~~  
33 ~~disclosure of potential conflicts of interest by members. The Governor, by executive order,~~  
34 ~~shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining~~  
35 ~~the eligibility of persons under this section.~~

36 (d) ~~Nominations for Membership.— On or before May 1 in every even-numbered year~~  
37 ~~the Governor shall designate and transmit to the board of commissioners in each county in the~~  
38 ~~coastal area four nominating categories applicable to that county for that year. Said nominating~~  
39 ~~categories shall be selected by the Governor from among the categories represented,~~  
40 ~~respectively by subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (11) — two persons, and (12) —~~  
41 ~~two persons, of subsection (b) of this section (or so many of the above listed paragraphs as may~~  
42 ~~correspond to vacancies by expiration of term that are subject to being filled in that year). On or~~  
43 ~~before June 1 in every even-numbered year the board of commissioners of each county in the~~  
44 ~~coastal area shall nominate (and transmit to the Governor the names of) one qualified person in~~  
45 ~~each of the four nominating categories that was designated by the Governor for that county for~~  
46 ~~that year. In designating nominating categories from biennium to biennium, the Governor shall~~  
47 ~~equitably rotate said categories among the several counties of the coastal area as in his~~  
48 ~~judgment he deems best; and he shall assign, as near as may be, an even number of nominees to~~  
49 ~~each nominating category and shall assign in his best judgment any excess above such even~~  
50 ~~number of nominees. On or before June 1 in every even-numbered year the governing body of~~  
51 ~~each incorporated city within the coastal area shall nominate and transmit to the Governor the~~

1 name of one person as a nominee to the Commission. In making nominations, the boards of  
2 county commissioners and city governing bodies shall give due consideration to the nomination  
3 of women and minorities. The Governor shall appoint 12 persons from among said city and  
4 county nominees to the Commission. The several boards of county commissioners and city  
5 governing bodies shall transmit the names, addresses, and a brief summary of the qualifications  
6 of their nominees to the Governor on or before June 1 in each even-numbered year, beginning  
7 in 1974; provided, that the Governor, by registered or certified mail, shall notify the chairman  
8 or the mayors of the said local governing boards by May 20 in each such even-numbered year  
9 of the duties of local governing boards under this sentence. If any board of commissioners or  
10 city governing body fails to transmit its list of nominations to the Governor by June 1, the  
11 Governor may add to the nominations a list of qualified nominees in lieu of those that were not  
12 transmitted by the board of commissioners or city governing body; Provided however, the  
13 Governor may not add to the list a nominee in lieu of one not transmitted by an incorporated  
14 city within the coastal area that neither has a population of 2,000 or more nor is contiguous  
15 with the Atlantic Ocean. Within the meaning of this section, the "governing body" is the mayor  
16 and council of a city as defined in G.S. 160A-66. The population of cities shall be determined  
17 according to the most recent annual estimates of population as certified to the Secretary of  
18 Revenue by the Secretary of Administration.

19 (e) Residential Qualifications. — All nominees of the several boards of county  
20 commissioners and city governing bodies must reside within the coastal area, but need not  
21 reside in the county from which they were nominated. No more than one of those members  
22 appointed by the Governor from among said nominees may reside in a particular county. No  
23 more than two members of the entire Commission, at any time, may reside in a particular  
24 county. No more than two members of the entire Commission, at any time, may reside outside  
25 the coastal area.

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

30 (g) Terms. — The members shall serve staggered terms of office of four years. The terms  
31 of all Commission members serving on the Commission on January 1, 2013, shall expire when  
32 this subsection becomes law. A new Commission of 11 members shall be appointed in the  
33 manner provided by subsection (b1) of this section. The members whose qualifications are  
34 described by subdivisions (1), (2), (3), (4), and (5) of subsection (b1) of this section shall serve  
35 an initial term of two years and four years thereafter. The members whose qualifications are  
36 described by subdivision (6) of subsection (b1) of this section and the four at-large members  
37 shall serve an initial term of four years and four years thereafter. Initial terms shall expire on  
38 June 30 of the year of expiration. At the expiration of each member's term, the Governor  
39 appointing authority shall reappoint or replace the member with a new member of like  
40 qualification (as specified in subsection (b)(b1) of this section), in the manner provided by  
41 subsections (c) and (d) of this section. The initial term shall be determined by the Governor in  
42 accordance with customary practice but eight of the initial members shall be appointed for two  
43 years and seven for four years section).

44 (h) Vacancies. — In the event of a vacancy arising otherwise than by expiration of term,  
45 the Governor appointing authority shall appoint a successor of like qualification (as specified in  
46 subsection (b)(b1) of this section) who shall then serve the remainder of his predecessor's term.  
47 When any such vacancy arises, the Governor shall immediately notify the board of  
48 commissioners of each county in the coastal area and the governing body of each incorporated  
49 city within the coastal area. Within 30 days after receipt of such notification each such county  
50 board and city governing body shall nominate and transmit to the Governor the name and  
51 address of one person who is qualified in the category represented by the position to be filled,

1 together with a brief summary of the qualifications of the nominee. The Governor shall make  
2 the appointment from among said city and county nominees. If any county board or city  
3 governing body fails to make a timely transmittal of its nominee, the Governor may add to the  
4 nominations a qualified person in lieu of said nominee; Provided however, the Governor may  
5 not add to the list a nominee in lieu of one not transmitted by an incorporated city within the  
6 coastal area that neither has a population of 2,000 or more nor is contiguous with the Atlantic  
7 Ocean.

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

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

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

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

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

## 21 COASTAL RESOURCES ADVISORY COUNCIL

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

### 23 "§ 113A-105. Coastal Resources Advisory Council.

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

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

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

30 (1a) ~~The Secretary of Commerce or person designated by the Secretary of~~  
31 ~~Commeree;~~

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

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

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

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

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

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

45 (8) ~~One representative from each of the counties in the coastal area to be~~  
46 ~~designated by the respective boards of county commissioners;~~

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

49 (10) ~~Three members selected by the Commission who are marine scientists or~~  
50 ~~technologists;~~  
51

1           (11) ~~One member who is a local health director selected by the Commission upon~~  
2           ~~the recommendation of the Secretary.~~  
3 by the Coastal Resources Commission. At least one-half of the members appointed by the  
4 Commission to the Council shall reside in counties in the coastal area. Counties and cities in  
5 the coastal area may nominate candidates for consideration by the Commission. The terms of  
6 all Council members serving on the Council on January 1, 2013, shall expire on June 30, 2013.  
7 A new Council shall be appointed in the manner provided by this subsection with terms  
8 beginning on July 1, 2013, and expiring on June 30, 2015. Members may be reappointed at the  
9 discretion of the Commission, provided that one-half of the membership at the beginning of  
10 any two-year term are residents of counties in the coastal area.

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

13           (1) On matters which may be submitted to it by either of them or by the  
14 Commission, including technical questions relating to the development of  
15 rules, and

16           (2) On such other matters arising under this Article as the Council considers  
17 appropriate.

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

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

24       (f) Compensation. – The members of the Advisory Council who are not State  
25 employees shall receive per diem and necessary travel and subsistence expenses in accordance  
26 with the provisions of G.S. 138-5."  
27

## 28 ENVIRONMENTAL MANAGEMENT COMMISSION

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

30       "§ 143B-283. Environmental Management Commission – members; selection; removal;  
31 compensation; quorum; services.

32       (a) ~~The Environmental Management Commission shall consist of 13 members~~  
33 ~~appointed by the Governor. The Governor shall select the members so that the membership of~~  
34 ~~the Commission shall consist of:~~

35           (1) ~~One who shall be a licensed physician with specialized training and~~  
36 ~~experience in the health effects of environmental pollution;~~

37           (2) ~~One who shall, at the time of appointment, be actively connected with the~~  
38 ~~Commission for Public Health or local board of health or have experience in~~  
39 ~~health sciences;~~

40           (3) ~~One who shall, at the time of appointment, be actively connected with or~~  
41 ~~have had experience in agriculture;~~

42           (4) ~~One who shall, at the time of appointment, be a registered engineer with~~  
43 ~~specialized training and experience in water supply or water or air pollution~~  
44 ~~control;~~

45           (5) ~~One who shall, at the time of appointment, be actively connected with or~~  
46 ~~have had experience in the fish and wildlife conservation activities of the~~  
47 ~~State;~~

48           (6) ~~One who shall, at the time of appointment, have special training and~~  
49 ~~scientific expertise in hydrogeology or groundwater hydrology;~~

50           (7) ~~Three members interested in water and air pollution control, appointed from~~  
51 ~~the public at large;~~

- 1           (8)    ~~One who shall, at the time of appointment, be actively employed by, or~~  
2           ~~recently retired from, an industrial manufacturing facility and~~  
3           ~~knowledgeable in the field of industrial air and water pollution control;~~  
4           (9)    ~~One who shall, at the time of appointment, be actively connected with or~~  
5           ~~have had experience in pollution control problems of municipal or county~~  
6           ~~government;~~  
7           (10) ~~One who shall, at the time of appointment, have special training and~~  
8           ~~scientific expertise in air pollution control and the effects of air pollution;~~  
9           ~~and~~  
10          (11) ~~One who shall, at the time of appointment, have special training and~~  
11          ~~scientific expertise in freshwater, estuarine, marine biological, or ecological~~  
12          ~~sciences.~~

13          (a1) The Environmental Management Commission shall consist of 13 members. Seven  
14 members shall be appointed by the Governor, with qualifications as follows:

- 15           (1)    One who shall be a licensed physician.  
16           (2)    Two who shall, at the time of appointment, have special training or scientific  
17           expertise in hydrology, water pollution control, or the effects of water  
18           pollution.  
19           (3)    One who shall, at the time of appointment, be actively employed by, or  
20           recently retired from, an industrial manufacturing facility and shall be  
21           knowledgeable in the field of industrial pollution control.  
22           (4)    One who shall, at the time of appointment, have special training or scientific  
23           expertise in ecology, air pollution control or the effects of air pollution.  
24           (5)    One who shall, at the time of appointment, be actively connected with or  
25           have had experience in agriculture.  
26           (6)    One who shall serve at-large.

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

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

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

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

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

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

50          (d)    In addition to the members designated by subsection ~~(a)(a1)~~ of this section, the  
51 General Assembly shall appoint six members, three upon the recommendation of the Speaker

1 of the House of Representatives, and three upon the recommendation of the President Pro  
2 Tempore of the Senate. Appointments by the General Assembly shall be made in accordance  
3 with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with  
4 G.S. 120-122. ~~Members appointed by the General Assembly shall serve terms of two years.~~

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

## 15 16 INDUSTRIAL COMMISSION

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

18 "§ 97-77. **North Carolina Industrial Commission created; members appointed by**  
19 **Governor; terms of office; ~~chairman~~ chair.**

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

30 (a1) Appointments of commissioners are subject to confirmation by the General  
31 Assembly by joint resolution. The names of commissioners to be appointed by the Governor  
32 shall be submitted by the Governor to the General Assembly for confirmation by the General  
33 Assembly on or before March 1 of the year of expiration of the term. If the Governor fails to  
34 timely submit nominations, the General Assembly shall appoint to fill the succeeding term  
35 upon the joint recommendation of the President Pro Tempore of the Senate and the Speaker of  
36 the House of Representatives in accordance with G.S. 120-121 not inconsistent with this  
37 section.

38 In case of death, incapacity, resignation, or any other vacancy in the office of any  
39 commissioner prior to the expiration of the term of office, a nomination to fill the vacancy for  
40 the remainder of the unexpired term shall be submitted by the Governor within four weeks after  
41 the vacancy arises to the General Assembly for confirmation by the General Assembly. If the  
42 Governor fails to timely nominate a person to fill the vacancy, the General Assembly shall  
43 appoint a person to fill the remainder of the unexpired term upon the joint recommendation of  
44 the President Pro Tempore of the Senate and the Speaker of the House of Representatives in  
45 accordance with G.S. 120-121 not inconsistent with this section. If a vacancy arises or exists  
46 pursuant to this subsection when the General Assembly is not in session, and the appointment is  
47 deemed urgent by the Governor, the commissioner may be appointed and serve on an interim  
48 basis pending confirmation by the General Assembly. For the purpose of this subsection, the  
49 General Assembly is not in session only (i) prior to convening of the Regular Session, (ii)  
50 during any adjournment of the Regular Session for more than 10 days, and (iii) after sine die  
51 adjournment of the Regular Session.

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

4 (b) One member, to be designated by the Governor, shall act as ~~chairman~~chair. The  
5 ~~chairman~~chair shall be the chief judicial officer and the chief executive officer of the Industrial  
6 Commission; such authority shall be exercised pursuant to the provisions of Chapter 126 of the  
7 General Statutes and the rules and policies of the State Personnel Commission.  
8 Notwithstanding the provisions of this Chapter, the ~~chairman~~chair shall have such authority as  
9 is necessary to direct and oversee the Commission. The ~~chairman~~chair may delegate any duties  
10 and responsibilities as may be necessary to ensure the proper management of the Industrial  
11 Commission. Notwithstanding the provisions of this Chapter, Chapter 143A, and Chapter 143B  
12 of the General Statutes, the ~~chairman~~chair may hire or fire personnel and transfer personnel  
13 within the Industrial Commission.

14 The Governor may designate one ~~vice chairman~~vice-chair from the remaining  
15 commissioners. The ~~vice chairman~~vice-chair shall assume the powers of the ~~chairman~~chair  
16 upon request of the ~~chairman~~chair or when the ~~chairman~~chair is absent for 24 hours or more.  
17 The authority delegated to the ~~vice chairman~~vice-chair shall be relinquished immediately upon  
18 the return of the ~~chairman~~chair or at the request of the ~~chairman~~chair.

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

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

- 25 (1) Two to serve terms beginning April 15, 2013, and expiring June 30, 2015,  
26 with subsequent appointments to those positions serving four-year terms.
- 27 (2) Two to serve terms beginning April 15, 2013, and expiring June 30, 2016,  
28 with subsequent appointments to those positions serving four-year terms.
- 29 (3) Two to serve terms beginning April 15, 2013, and expiring June 30, 2017,  
30 with subsequent appointments to those positions serving four-year terms.

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

## 33 UTILITIES COMMISSION

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

35 "**§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies;**  
36 **compensation; other employment prohibited.**

37 (a) The North Carolina Utilities Commission shall consist of ~~seven~~five commissioners  
38 who shall be appointed by the Governor subject to confirmation by the General Assembly by  
39 joint resolution. The names of commissioners to be appointed by the Governor shall be  
40 submitted by the Governor to the General Assembly for confirmation by the General Assembly  
41 on or before May 1, of the year in which the terms for which the appointments are to be made  
42 are to expire. Upon failure of the Governor to submit names as herein provided, the Lieutenant  
43 Governor and Speaker of the House jointly shall submit the names of a like number of  
44 commissioners to the General Assembly on or before May 15 of the same year for confirmation  
45 by the General Assembly. Regardless of the way in which names of commissioners are  
46 submitted, confirmation of commissioners must be accomplished prior to adjournment of the  
47 then current session of the General Assembly. This subsection shall be subject to the provisions  
48 of subsection ~~(e)~~(c1) of this section.

49 (b) ~~The terms of the commissioners now serving shall expire at the conclusion of the~~  
50 ~~term for which they were appointed which shall remain as before with two regular eight year~~  
51

1 terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on  
2 July 1 of each eighth year after July 1, 1963. The terms of office of utilities commissioners  
3 thereafter shall be six years commencing on July 1 of the year in which the predecessor terms  
4 expired, and ending on July 1 of the sixth year thereafter.

5 (e) ~~In order to increase the number of commissioners to seven, the names of two~~  
6 ~~additional commissioners shall be submitted to the General Assembly on or before May 27,~~  
7 ~~1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The~~  
8 ~~commissioners so appointed and confirmed shall serve new terms commencing on July 1, 1975,~~  
9 ~~one of which shall be for a period of two years (with the immediate successor serving for a~~  
10 ~~period of six years), and one of which shall be for a period of two years.~~

11 ~~Thereafter, the terms of office of the additional commissioners shall be for six years as~~  
12 ~~provided in G.S. 62-10(b).~~

13 (c1) The terms of all commissioners serving on the Commission as of January 1, 2013,  
14 shall terminate when this section becomes law. Subject to subsection (a) of this section, the  
15 Governor shall submit the names of commissioners to the General Assembly as follows:

16 (1) Three to serve terms terminating June 30, 2019.

17 (2) Two to serve terms terminating June 30, 2017.

18 Notwithstanding subsection (e) of this section, the Governor shall appoint one of the  
19 commissioners appointed and confirmed pursuant to this subsection to serve as chair of the  
20 Commission for the succeeding four years and until the commissioner's successor is duly  
21 confirmed and qualified. Upon the expiration of the chair's four-year term, the Governor shall  
22 appoint a chair as provided in subsection (e) of this section.

23 (d) Except as provided in subsection (c1) of this section, the commissioners shall serve  
24 staggered six-year terms, which shall commence on July 1 of the year in which the  
25 predecessors' terms expired and shall end on July 1 of the sixth year thereafter. A commissioner  
26 in office shall continue to serve until his successor is duly confirmed and qualified but such  
27 holdover shall not affect the expiration date of such succeeding term.

28 (e) On July 1, 1965, and every four years thereafter, one of the commissioners shall be  
29 designated by the Governor to serve as ~~chairman~~chair of the Commission for the succeeding  
30 four years and until his successor is duly confirmed and qualifies. Upon death or resignation of  
31 the commissioner appointed as ~~chairman~~chair, the Governor shall designate the ~~chairman~~chair  
32 from the remaining commissioners and appoint a successor as hereinafter provided to fill the  
33 vacancy on the Commission.

34 (f) In case of death, incapacity, resignation or vacancy for any other reason in the office  
35 of any commissioner prior to the expiration of his term of office, the name of his successor  
36 shall be submitted by the Governor within four weeks after the vacancy arises to the General  
37 Assembly for confirmation by the General Assembly. Upon failure of the Governor to submit  
38 the name of the successor, the Lieutenant Governor and Speaker of the House jointly shall  
39 submit the name of a successor to the General Assembly within six weeks after the vacancy  
40 arises. Regardless of the way in which names of commissioners are submitted, confirmation of  
41 commissioners must be accomplished prior to the adjournment of the then current session of  
42 the General Assembly.

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

47 ...."

## 49 WILDLIFE RESOURCES COMMISSION

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

1 "§ 143-241. **Appointment and terms of office of Commission members; filling of**  
2 **vacancies.**

3 The members of the North Carolina Wildlife Resources Commission shall be appointed as  
4 follows:

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

7 The Governor shall appoint one member each from the second, fifth, and eighth wildlife  
8 districts to serve ~~two-year~~four-year terms;

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

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

12 The General Assembly shall appoint ~~eight~~10 members of the Commission to serve two-year  
13 terms, ~~four~~five upon the recommendation of the Speaker of the House, ~~four~~and five upon the  
14 recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.  
15 ~~Of the members appointed upon the recommendation of the Speaker of the House and upon the~~  
16 ~~recommendation of the President Pro Tempore of the Senate, at least one of each shall be a~~  
17 ~~member of the political party to which the largest minority of the members of the General~~  
18 ~~Assembly belongs.~~

19 The terms of all appointed members serving on the Commission as of January 1, 2013, shall  
20 terminate on June 30, 2013. The members initially appointed by the Governor from  
21 even-numbered districts shall be appointed for two-year terms, and those from odd-numbered  
22 districts shall be initially appointed to four-year terms. Thereafter as the terms of the office of  
23 the members of the Commission appointed by the Governor from the several wildlife districts  
24 expire, their successors shall be appointed for terms of ~~six~~four years each. As the terms of  
25 office of the members of the Commission appointed by the General Assembly expire, their  
26 successors shall be appointed for terms of two years each. All members appointed by the  
27 Governor serve at the pleasure of the Governor that appointed them and they may be removed  
28 by that Governor at any time. A successor to the appointing Governor may remove a  
29 Commission member only for cause as provided in G.S. 143B-13. Members appointed by the  
30 General Assembly serve at the pleasure of that body and may be removed by law at any time.  
31 In the event that a Commission member is removed, the member appointed to replace the  
32 removed member shall serve only for the unexpired term of the removed member."

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

34 "**§ 143-243. Organization of the Commission; election of officers; Robert's Rules of**  
35 **Order.**

36 The Commission shall hold at least two meetings annually, one in January and one in July,  
37 and ~~seven~~a majority of the members of the Commission shall constitute a quorum for the  
38 transaction of business. Additional meetings may be held at such other times within the State as  
39 may be deemed necessary for the efficient transaction of the business of the Commission. The  
40 Commission may hold additional or special meetings at any time at the call of the chairman or  
41 on call of any five members of the Commission. The Commission shall determine its own  
42 organization and methods of procedure in accordance with the provisions of this Article, and  
43 shall have an official seal, which shall be judicially noticed.

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

49 The chairman shall guide and coordinate the official actions and official activities of the  
50 Commission in fulfilling its program responsibility for (i) the appointment and separation of the  
51 executive director of the Commission, (ii) organizing the personnel of the Commission, (iii)

1 setting the statewide policy of the Commission, (iv) budgeting and planning the use of the  
2 Wildlife and Motorboat Funds, subject to the approval of the General Assembly, (v) holding  
3 public hearings, and (vi) adopting rules as authorized by law. The chairman shall report to and  
4 advise the Governor on the official actions and work of the Commission and on all wildlife  
5 conservation and boating safety matters that affect the interest of the people of the State.

6 Meetings of the Commission shall be conducted pursuant to Robert's Rules of Order."  
7

## 8 NORTH CAROLINA TURNPIKE AUTHORITY

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

### 10 "§ 136-89.182. North Carolina Turnpike Authority.

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

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

19 (c) Authority Board. – ~~The Board of Transportation is ex officio the Authority Board of~~  
20 ~~the North Carolina Turnpike Authority. The North Carolina Turnpike Authority shall be~~  
21 ~~governed by a nine member Authority Board consisting of two members appointed by the~~  
22 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate in~~  
23 ~~accordance with G.S. 120-121, two members appointed by the General Assembly upon the~~  
24 ~~recommendation of the Speaker of the House of Representatives in accordance with~~  
25 ~~G.S. 120-121, four members appointed by the Governor, and the Secretary of Transportation.~~  
26 ~~Each appointing authority shall appoint members who reside in diverse regions of the State.~~  
27 ~~The Chair of the Authority shall be selected by the Authority Board.~~

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

30 (e) Staggered Terms. — ~~One of the initial appointments to the Authority Board by the~~  
31 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate, one~~  
32 ~~of the initial appointments to the Authority Board by the General Assembly upon the~~  
33 ~~recommendation of the Speaker of the House of Representatives, and three of the initial~~  
34 ~~appointments of the Governor shall be appointed to terms ending January 14, 2007. One of the~~  
35 ~~initial appointments to the Authority Board by the General Assembly upon the recommendation~~  
36 ~~of the President Pro Tempore of the Senate, one of the initial appointments to the Authority~~  
37 ~~Board by the General Assembly upon the recommendation of the Speaker of the House of~~  
38 ~~Representatives, and one of the initial appointments of the Governor shall be appointed to~~  
39 ~~terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex officio~~  
40 ~~voting member of the Board. Thereafter, at the expiration of each stipulated term of office, all~~  
41 ~~appointments shall be to a term of four years from the date of the expiration of the term.~~

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

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

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

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

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

9 ~~(k) Executive Director and Administrative Employees. – The Authority Board shall~~  
10 ~~appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its~~  
11 ~~pleasure. The Secretary of Transportation, or the Secretary's designee. The Executive Director~~  
12 shall be the Authority's chief administrative officer and shall be responsible for the daily  
13 administration of the toll roads and bridges constructed, maintained, or operated pursuant to  
14 this Article. The Secretary or the Secretary's designee ~~The Executive Director or his designee~~  
15 shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the  
16 compensation of administrative employees as the Executive Director deems necessary to carry  
17 out this Article.

18 (l) Office. – The offices of the Authority may be housed in one or more facilities of the  
19 Department of Transportation."  
20

## 21 SPECIAL SUPERIOR COURT JUDGES

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

24 "(a8) Notwithstanding any other provision of this section, except as to those three seats  
25 designated as of January 1, 2013, under G.S. 7A-45.3 as business court judges, effective on and  
26 after July 1, 2013, any seat established by this section is abolished."  
27

## 28 STATE BOARD OF ELECTIONS

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

30 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

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

33 (a) The State Board of Elections shall consist of five registered voters whose terms of  
34 office shall begin on May 1, 1969, and shall continue for four years, and until their successors  
35 are appointed and qualified. The Governor shall appoint the members of this Board and  
36 likewise shall appoint their successors every four years at the expiration of each four-year term.  
37 No person may serve more than three four-year terms, and the term of any person currently  
38 serving on this Board who has served more than three four-year terms shall terminate on the  
39 effective date of this sentence.

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

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

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

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

14               "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the  
15 Constitution of the United States; that I will be faithful and bear true  
16 allegiance to the State of North Carolina, and to the constitutional powers  
17 and authorities which are or may be established for the government thereof;  
18 that I will endeavor to support, maintain and defend the Constitution of said  
19 State, and that I will well and truly execute the duties of the office of  
20 member of the State Board of Elections according to the best of my  
21 knowledge and ability, according to law, so help me, God."

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

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

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

## 31 32 STATE BOARD OF EDUCATION

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

### 34 "§ 115C-11. Organization and internal procedures of Board.

35       (a) Presiding Officer. – The Governor shall appoint a chairman from among the  
36 membership of the State Board of Education. The chairman shall serve in that role at the  
37 pleasure of the Governor. The State Board of Education shall elect from its membership a  
38 ~~chairman and~~ vice-chairman. A majority of the Board shall constitute a quorum for the  
39 transaction of business. Per diem and expenses of the appointive members of the Board shall be  
40 provided by the General Assembly. The chairman of the Board shall preside at all meetings of  
41 the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of  
42 both the chairman and the vice-chairman, the Board shall name one of its own members as  
43 chairman pro tempore.

44       ...

45       (h) Rules and Regulations. – The Board shall adopt reasonable rules and regulations not  
46 inconsistent herewith, to govern its proceedings which the Board may amend from time to time,  
47 which rules and regulations shall become effective when filed as provided by law: Provided,  
48 however, a motion to suspend the rules so adopted shall require a consent of two-thirds of the  
49 members. The rules and regulations shall include, but not be limited to, clearly defined  
50 procedures for electing the ~~officers~~ vice-chairman and chairman pro tempore of the State Board  
51 referred to in G.S. 115C-11(a), fixing the term of ~~said officers,~~ the vice-chairman, specifying

1 how the voting shall be carried out, and establishing a date when the first election shall be  
2 held."

#### 4 NORTH CAROLINA STATE LOTTERY COMMISSION

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

6 "§ 18C-111. Commission membership; appointment; selection of chair; vacancies;  
7 removal; meetings; compensation.

8 (a) The Commission shall consist of nine members, five of whom shall be appointed by  
9 the Governor, two of whom shall be appointed by the General Assembly upon the  
10 recommendation of the President Pro Tempore of the Senate, and two of whom shall be  
11 appointed by the General Assembly upon the recommendation of the Speaker of the House of  
12 Representatives. Commissioners may be removed by the appointing authority for cause. The  
13 Governor shall select the chair of the Commission from among its membership, who shall serve  
14 at the pleasure of the Governor.

15 (b) The terms of all members serving on the Commission as of January 1, 2013, shall  
16 terminate on the effective date of this section. No later than July 1, 2013, Of the initial  
17 appointees of the Governor, the Governor shall appoint five members to serve terms of two  
18 years, three members shall serve a term of one year, one member shall serve a term of two  
19 years, and one member shall serve a term of three years. Of the initial appointees of the  
20 than July 1, 2013, the General Assembly  
21 Pro Tempore of the Senate, one member shall serve a term of two years, and one member shall  
22 serve a term of three years. shall appoint two members to serve terms of two years. Of the  
23 initial appointees of  
24 No later than July 1, 2013, the General Assembly upon the  
25 recommendation of the Speaker of the House of Representatives, one member shall serve a  
26 term of two years, and one member serve a term of three years. shall appoint two members to  
27 serve terms of two years. Initial terms shall expire on June 30 of the year of expiration. All  
28 succeeding appointments shall be for terms of five two years. Members shall not serve for more  
29 than two successive terms.

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

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

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

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

#### 37 CHARTER SCHOOL ADVISORY COMMITTEE

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

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

#### 40 BOARD OF TRANSPORTATION

41 SECTION 2.14. G.S. 143B-350(b)(1) reads as rewritten:

42 "(1) Number, appointment. – The Board of Transportation shall have ~~19~~21 voting  
43 members. Fourteen of the members shall be division members appointed by  
44 the Governor. Five shall be at-large members appointed by the Governor.  
45 One shall be an at-large member appointed by the General Assembly upon  
46 recommendation of the President Pro Tempore of the Senate, and one shall  
47 be an at-large member appointed by the General Assembly upon  
48 recommendation of the Speaker of the House of Representatives. At least  
49 three members of the Board appointed by the Governor shall be registered  
50 voters of a political party other than the political party of the Governor. The  
51

1 Secretary of Transportation shall serve as an ex officio nonvoting member of  
2 the Board. No more than two members of the Board may reside in the same  
3 highway division."

4 **SECTION 2.15.** G.S. 143B-350(c) reads as rewritten:

5 "(c) Staggered Terms. – The terms of all Board members serving on the Board prior to  
6 January 15, 2001, shall expire on January 14, 2001. A new board of 19 members shall be  
7 appointed with terms beginning on January 15, 2001. The Board shall be 21 members  
8 beginning January 15, 2013. The Board shall serve the following terms: division members  
9 representing divisions 1, 3, 5, 7, 9, 11, and 13 and the three at-large members filling the  
10 positions designated in sub-subdivisions (b)(3)a., b., and e. of this section shall serve four-year  
11 terms beginning on January 15, 2001, and four-year terms thereafter; and division members  
12 representing divisions 2, 4, 6, 8, 10, 12, and 14 and the two at-large members filling the  
13 positions designated in sub-subdivisions (b)(3)c. and d. of this section shall serve two-year  
14 terms beginning January 15, 2001, and four-year terms thereafter. The terms of at-large  
15 members appointed by the General Assembly shall be for two years, beginning on January 15,  
16 2013, and biennially thereafter."

17  
18 **PART III. EFFECTIVE DATE**

19 **SECTION 3.1.** If any provision of this act or its application is held invalid, the  
20 invalidity does not affect other provisions or applications of this act that can be given effect  
21 without the invalid provisions or application, and to this end the provisions of this act are  
22 severable.

23 **SECTION 3.2.** Unless otherwise provided, this act is effective when it becomes  
24 law. If the terms of office eliminated in this act have not been set out, then the appointing  
25 authorities shall determine by July 1, 2013, which terms to eliminate to achieve the  
26 membership totals pursuant to this act. After determining which terms to eliminate, the  
27 appointing authority shall notify in writing all the persons and entities required to receive  
28 notification pursuant to G.S. 143-47.7.