

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  
House Committee Substitute Favorable 2/27/13

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 **LOTTERY OVERSIGHT COMMISSION**

11 SECTION 1.1.(a) G.S. 18C-172 is repealed.

12 SECTION 1.1.(b) G.S. 18C-115 reads as rewritten:

13 "§ 18C-115. Reports.

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

19  
20 **SMALL BUSINESS CONTRACTOR AUTHORITY**

21 SECTION 1.2. Part 20 of Article 10 of Chapter 143B of the General Statutes,  
22 G.S. 143B-472.100 through G.S. 143B-472.112, is repealed.

23  
24 **COMMITTEE ON DROPOUT PREVENTION**

25 SECTION 1.3. Article 6B of Chapter 115C of the General Statutes,  
26 G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.

27  
28 **STATE EDUCATION COMMISSION ESTABLISHED IN CHAPTER 116C OF THE**  
29 **GENERAL STATUTES**

30 SECTION 1.4.(a) G.S. 116C-1 reads as rewritten:

31 "§ 116C-1. Education Cabinet created.

32 ...

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

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



1           (2)    Sets the agenda for the State Education Commission.

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

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

5        ...."

6           **SECTION 1.4.(b)** G.S. 116C-2 is repealed.

7  
8        **STATE EDUCATION COMMISSION ESTABLISHED IN ARTICLE 26 OF CHAPTER**  
9        **143 OF THE GENERAL STATUTES**

10        **SECTION 1.5.** Article 26 of Chapter 143 of the General Statutes, G.S. 143-261  
11        through G.S. 143-266, is repealed.

12  
13        **NATIONAL HERITAGE AREA DESIGNATION COMMISSION**

14        **SECTION 1.6.** Section 18.10 of S.L. 2001-491 reads as rewritten:

15        "**SECTION 18.10.** Notwithstanding G.S. 158-8.1, the Western North Carolina Regional  
16        Economic Development Commission shall develop a regional heritage tourism plan and shall  
17        present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May  
18        1, 2002. The National Heritage Area Designation Commission created pursuant to Section 18.4  
19        of this act shall terminate July 1, 2013."

20  
21        **GOVERNOR'S MANAGEMENT COUNCIL**

22        **SECTION 1.7.** Part 24 of Article 9 of Chapter 143B of the General Statutes,  
23        G.S. 143B-426.22, is repealed.

24  
25        **CENTER FOR NURSING**

26        **SECTION 1.8.** G.S. 90-171.71 and G.S. 90-171.72 are repealed.

27  
28        **BOARD OF CORRECTION**

29        **SECTION 1.9.(a)** G.S. 143B-711 reads as rewritten:

30        "**§ 143B-711. Division of Adult Correction of the Department of Public Safety –**  
31        **organization.**

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

38        **SECTION 1.9.(b)** G.S. 143B-715 is repealed.

39  
40        **BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE**  
41        **NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS**

42        **SECTION 1.10.(a)** Part 22 of Article 9 of Chapter 143B of the General Statutes is  
43        repealed.

44        **SECTION 1.10.(b)** G.S. 120-123(4) is repealed.

45  
46        **BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II**  
47        **SETTLEMENT FUNDS**

48        **SECTION 1.11.** Board of Directors of the Certification Entity for Phase II  
49        Settlement Funds, established pursuant to S.L. 1999-333, is abolished.

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

**SECTION 1.12.** The following Session Laws are repealed:

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

**NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL**

**SECTION 1.13.(a)** Section 4 of S.L. 2009-530, as rewritten by S.L. 2012-75, reads as rewritten:

**"SECTION 4.** This act is effective when it becomes law and shall expire on ~~July 31, 2015~~July 1, 2013."

**SECTION 1.13.(b)** The Department of Agriculture and North Carolina's land grant universities shall continue to collaborate on promoting local food production and consumption in North Carolina.

**PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS****COASTAL RESOURCES COMMISSION**

**SECTION 2.1.(a)** G.S. 113A-104 reads as rewritten:

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

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

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

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

1           ~~(12) Three at-large members.~~  
2       **(b1)** Composition. – The Coastal Resources Commission shall consist of 13 members as  
3 follows:

- 4           (1) One appointed by the Governor who shall, at the time of appointment, be a  
5 coastal property owner or experienced in land development.  
6           (2) One appointed by the Governor who shall, at the time of appointment, be a  
7 coastal property owner or experienced in land development.  
8           (3) One appointed by the Governor who shall, at the time of appointment, be  
9 actively connected with or have experience in engineering in the coastal area  
10 or a marine related science.  
11           (4) One appointed by the Governor who shall, at the time of appointment, be  
12 actively connected with or have experience in engineering in the coastal area  
13 or a marine related science.  
14           (5) One appointed by the Governor who shall, at the time of appointment, be  
15 actively connected with or have experience in coastal-related business.  
16           (6) One appointed by the Governor who shall, at the time of appointment, be  
17 actively connected with or have experience in local government within the  
18 coastal area.  
19           (7) One appointed by the Governor who shall, at the time of appointment, be  
20 actively connected with or have experience in coastal agriculture.  
21           (8) One appointed by the Governor who shall, at the time of appointment, be  
22 actively connected with or have experience in commercial fishing.  
23           (9) One appointed by the Governor who shall serve at large.  
24           (10) One appointed by the General Assembly upon recommendation of the  
25 Speaker of the House of Representatives in accordance with G.S. 120-121  
26 who shall, at the time of appointment, be actively connected with or have  
27 experience in sports fishing.  
28           (11) One appointed by the General Assembly upon recommendation of the  
29 Speaker of the House of Representatives in accordance with G.S. 120-121  
30 who shall serve at large.  
31           (12) One appointed by the General Assembly upon recommendation of the  
32 President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
33 shall, at the time of appointment, be actively connected with or have  
34 experience in wildlife.  
35           (13) One appointed by the General Assembly upon recommendation of the  
36 President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
37 shall serve at large.

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

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

1        ~~The remaining members of the Commission shall be appointed by the Governor after~~  
2 ~~completion of the nominating procedures prescribed by subsection (d) of this section.~~

3        (c1) The members of the Commission whose qualifications are described in subdivisions  
4 (1) through (5), (9), and (11); (3), (6), (7), (8), (9), (11), and (12) shall be persons who do not  
5 derive any significant portion of their income from land development, construction, real estate  
6 sales, or lobbying and do not otherwise serve as agents for development-related business  
7 activities. The Governor shall require adequate disclosure of potential conflicts of interest by  
8 these members. The Governor, by executive order, shall promulgate criteria regarding conflicts  
9 of interest and disclosure thereof for determining the eligibility of persons under this  
10 section-subsection.

11        (c2) All members of the Commission are covered persons for the purposes of Chapter  
12 138A of the General Statutes, the State Government Ethics Act. As covered persons, members  
13 of the Commission shall comply with the applicable requirements of the State Government  
14 Ethics Act, including mandatory training, the public disclosure of economic interests, and  
15 ethical standards for covered persons. Members of the Commission shall comply with the  
16 provisions of the State Government Ethics Act to avoid conflicts of interest.

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

1 (e) ~~Residential–Geographic~~ Qualifications. – All nominees of the several boards of  
2 county commissioners and city governing bodies must reside within the coastal area, but need  
3 not reside in the county from which they were nominated. No more than one of those members  
4 appointed by the Governor from among said nominees may reside in a particular county. No  
5 more than two members of the entire Commission, at any time, may reside in a particular  
6 county. No more than two members of the entire Commission, at any time, may reside outside  
7 the coastal area.All members of the Commission must be residents of North Carolina and reside  
8 or own real property in the coastal area.

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

13 (g) Terms. – The members shall serve staggered terms of office of four years. At the  
14 expiration of each member's term, the ~~Governor appointing authority~~ shall reappoint or replace  
15 the member with a new member of like qualification ~~(as~~ specified in subsection ~~(b)(b1)~~ of  
16 this section), in the manner provided by subsections (c) and (d) of this section. ~~The initial term~~  
17 ~~shall be determined by the Governor in accordance with customary practice but eight of the~~  
18 ~~initial members shall be appointed for two years and seven for four years.~~section.

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

34 (i) Officers. – The chairman shall be designated by the Governor from among the  
35 members of the Commission to serve as chairman at the pleasure of the Governor. The  
36 vice-chairman shall be elected by and from the members of the Commission and shall serve for  
37 a term of two years or until the expiration of ~~his~~the vice-chairman's regularly appointed term.

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

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

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

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

47 **SECTION 2.1.(b)** Transition of Membership of the Coastal Resources  
48 Commission. –

49 (a) Except as otherwise provided in this section, the terms of all members of the Coastal  
50 Resources Commission serving on January 1, 2013, shall expire when this act becomes law. A  
51 new Commission of 13 members shall be appointed in the manner provided by

1 G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, and this section. Members  
2 appointed in the manner provided by G.S. 113A-104(b1), as enacted by Section 2.1(a) of this  
3 act, shall be appointed no later than July 1, 2013.

4 (1) The member serving pursuant to G.S. 113A-104(b)(1) on January 1, 2013,  
5 shall continue to serve pursuant to G.S. 113A-104(b1)(8), as enacted by  
6 Section 2.1(a) of this act, until June 30, 2014.

7 (2) The member serving pursuant to G.S. 113A-104(b)(2) on January 1, 2013,  
8 shall continue to serve pursuant to G.S. 113A-104(b1)(10), as enacted by  
9 Section 2.1(a) of this act, until June 30, 2014.

10 (3) The member serving pursuant to G.S. 113A-104(b)(11) on January 1, 2013,  
11 whose term would otherwise expire on June 30, 2014, shall continue to serve  
12 pursuant to G.S. 113A-104(b1)(6), as enacted by Section 2.1(a) of this act,  
13 until June 30, 2014.

14 (4) The member serving pursuant to G.S. 113A-104(b)(12) on January 1, 2013,  
15 whose term would otherwise expire on June 30, 2014, shall continue to serve  
16 pursuant to G.S. 113A-104(b1)(9), as enacted by Section 2.1(a) of this act,  
17 until June 30, 2014.

18 (b) Members of the Commission whose qualifications are described by subdivisions (1),  
19 (3), (5), (7), (11), and (13) of G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, shall  
20 be appointed for an initial term of two years, and subsequent appointments shall be for  
21 four-year terms thereafter. Members of the Commission whose qualifications are described by  
22 subdivisions (2), (4), (6), (8), (9), (10), and (12) of G.S. 113A-104(b1), as enacted by Section  
23 2.1(a) of this act, shall be appointed for an initial term of one year and subsequent appointments  
24 shall be for four-year terms thereafter. Initial terms shall expire on June 30 of the year of  
25 expiration.

## 26 27 **COASTAL RESOURCES ADVISORY COUNCIL**

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

### 29 **"§ 113A-105. Coastal Resources Advisory Council.**

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

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

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

36 (1a) ~~The Secretary of Commerce or person designated by the Secretary of~~  
37 ~~Commerece;~~

38 (2) ~~The Secretary of Administration or person designated by the Secretary of~~  
39 ~~Administration;~~

40 (3) ~~The Secretary of Transportation or person designated by the Secretary of~~  
41 ~~Transportation; and one additional member selected by the Secretary of~~  
42 ~~Transportation from the Department of Transportation;~~

43 (4) ~~The State Health Director or the person designated by the State Health~~  
44 ~~Director;~~

45 (5) ~~The Commissioner of Agriculture or person designated by the~~  
46 ~~Commissioner of Agriculture;~~

47 (6) ~~The Secretary of Cultural Resources or person designated by the Secretary~~  
48 ~~of Cultural Resources;~~

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

- 1           (8) ~~One representative from each of the counties in the coastal area to be~~  
 2           ~~designated by the respective boards of county commissioners;~~  
 3           (9) ~~No more than eight additional members representative of cities in the coastal~~  
 4           ~~area and to be designated by the Commission;~~  
 5           (10) ~~Three members selected by the Commission who are marine scientists or~~  
 6           ~~technologists;~~  
 7           (11) ~~One member who is a local health director selected by the Commission upon~~  
 8           ~~the recommendation of the Secretary.~~

9 by the Coastal Resources Commission. All members of the Council must be residents of North  
 10 Carolina and reside or own real property in the coastal area. Counties and cities in the coastal  
 11 area may nominate candidates for consideration by the Commission. The terms of all Council  
 12 members serving on the Council on January 1, 2013, shall expire on June 30, 2013. A new  
 13 Council shall be appointed in the manner provided by this subsection with terms beginning on  
 14 July 1, 2013, and expiring on June 30, 2015. Members may be reappointed at the discretion of  
 15 the Commission, provided that one-half of the membership at the beginning of any two-year  
 16 term are residents of counties in the coastal area.

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

- 19           (1) On matters which may be submitted to it by either of them or by the  
 20 Commission, including technical questions relating to the development of  
 21 rules, and  
 22           (2) On such other matters arising under this Article as the Council considers  
 23 appropriate.

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

28       (e) **Chairman and Vice-Chairman.** – A chairman and vice-chairman shall be elected  
 29 annually by the Council.

30       (f) **Compensation.** – The members of the Advisory Council who are not State  
 31 employees shall receive per diem and necessary travel and subsistence expenses in accordance  
 32 with the provisions of G.S. 138-5."  
 33

## 34 ENVIRONMENTAL MANAGEMENT COMMISSION

35       **SECTION 2.3.(a)** G.S. 143B-283 reads as rewritten:

36 **"§ 143B-283. Environmental Management Commission – members; selection; removal;**  
 37 **compensation; quorum; services.**

38       ~~(a) The Environmental Management Commission shall consist of 13 members~~  
 39 ~~appointed by the Governor. The Governor shall select the members so that the membership of~~  
 40 ~~the Commission shall consist of:~~

- 41           ~~(1) One who shall be a licensed physician with specialized training and~~  
 42           ~~experience in the health effects of environmental pollution;~~  
 43           ~~(2) One who shall, at the time of appointment, be actively connected with the~~  
 44           ~~Commission for Public Health or local board of health or have experience in~~  
 45           ~~health sciences;~~  
 46           ~~(3) One who shall, at the time of appointment, be actively connected with or~~  
 47           ~~have had experience in agriculture;~~  
 48           ~~(4) One who shall, at the time of appointment, be a registered engineer with~~  
 49           ~~specialized training and experience in water supply or water or air pollution~~  
 50           ~~control;~~



- 1           (5)    ~~One who shall, at the time of appointment, be actively connected with or~~  
2           ~~have had experience in the fish and wildlife conservation activities of the~~  
3           ~~State;~~  
4           (6)    ~~One who shall, at the time of appointment, have special training and~~  
5           ~~scientific expertise in hydrogeology or groundwater hydrology;~~  
6           (7)    ~~Three members interested in water and air pollution control, appointed from~~  
7           ~~the public at large;~~  
8           (8)    ~~One who shall, at the time of appointment, be actively employed by, or~~  
9           ~~recently retired from, an industrial manufacturing facility and~~  
10          ~~knowledgeable in the field of industrial air and water pollution control;~~  
11          (9)    ~~One who shall, at the time of appointment, be actively connected with or~~  
12          ~~have had experience in pollution control problems of municipal or county~~  
13          ~~government;~~  
14          (10)   ~~One who shall, at the time of appointment, have special training and~~  
15          ~~scientific expertise in air pollution control and the effects of air pollution;~~  
16          ~~and~~  
17          (11)   ~~One who shall, at the time of appointment, have special training and~~  
18          ~~scientific expertise in freshwater, estuarine, marine biological, or ecological~~  
19          ~~sciences.~~

20          (a1)   The Environmental Management Commission shall consist of 15 members as  
21          follows:

- 22           (1)    One appointed by the Governor who shall be a licensed physician.  
23           (2)    One appointed by the Governor who shall, at the time of appointment, have  
24           special training or scientific expertise in hydrology, water pollution control,  
25           or the effects of water pollution.  
26           (3)    One appointed by the Governor who shall, at the time of appointment, have  
27           special training or scientific expertise in hydrology, water pollution control,  
28           or the effects of water pollution.  
29           (4)    One appointed by the Governor who shall, at the time of appointment, have  
30           special training or scientific expertise in air pollution control or the effects of  
31           air pollution.  
32           (5)    One appointed by the Governor who shall, at the time of appointment, be  
33           actively connected with or have had experience in agriculture.  
34           (6)    One appointed by the Governor who shall, at the time of appointment, have  
35           special training and scientific expertise in freshwater, estuarine, marine  
36           biological, or ecological sciences or be actively connected with or have had  
37           experience in the fish and wildlife conservation activities of the State.  
38           (7)    One appointed by the Governor who shall, at the time of appointment, be  
39           actively employed by, or recently retired from, an industrial manufacturing  
40           facility and shall be knowledgeable in the field of industrial pollution  
41           control.  
42           (8)    One appointed by the Governor who shall, at the time of appointment, be a  
43           registered engineer with specialized training and experience in water supply  
44           or water or air pollution control.  
45           (9)    One appointed by the Governor who shall serve at large.  
46           (10)   One appointed by the General Assembly upon recommendation of the  
47           Speaker of the House of Representatives in accordance with G.S. 120-121  
48           who shall serve at large.  
49           (11)   One appointed by the General Assembly upon recommendation of the  
50           Speaker of the House of Representatives in accordance with G.S. 120-121  
51           who shall serve at large.

1           (12) One appointed by the General Assembly upon recommendation of the  
2           Speaker of the House of Representatives in accordance with G.S. 120-121  
3           who shall serve at large.

4           (13) One appointed by the General Assembly upon recommendation of the  
5           President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
6           shall serve at large.

7           (14) One appointed by the General Assembly upon recommendation of the  
8           President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
9           shall serve at large.

10          (15) One appointed by the General Assembly upon recommendation of the  
11          President Pro Tempore of the Senate in accordance with G.S. 120-121 who  
12          shall serve at large.

13          (b) ~~Members appointed by the Governor shall serve terms of office of six years.~~ Any  
14          appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or  
15          disability of a member shall be for the balance of the unexpired term. The Governor may  
16          reappoint a member of the Commission to an additional term if, at the time of the  
17          reappointment, the member qualifies for membership on the Commission under subdivisions  
18          (1) through (9) of subsection (a)(a1) of this section. Appointments by the General Assembly  
19          shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be  
20          filled in accordance with G.S. 120-122.

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

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

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

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

30          (c) ~~Nine of the~~ The members appointed by the Governor under this section shall be  
31          persons who do not derive any significant portion of their income from persons subject to  
32          permits or enforcement orders under this Chapter. The Governor shall require adequate  
33          disclosure of potential conflicts of interest by these members. The Governor, by executive  
34          order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for  
35          determining the eligibility of persons under this ~~section,~~ subsection, giving due regard to the  
36          requirements of federal legislation, and for this purpose may promulgate rules, regulations or  
37          guidelines in conformance with those established by any federal agency interpreting and  
38          applying provisions of federal law.

39          (c1) All members of the Commission are covered persons for the purposes of Chapter  
40          138A of the General Statutes, the State Government Ethics Act. As covered persons, members  
41          of the Commission shall comply with the applicable requirements of the State Government  
42          Ethics Act, including mandatory training, the public disclosure of economic interests, and  
43          ethical standards for covered persons. Members of the Commission shall comply with the  
44          provisions of the State Government Ethics Act to avoid conflicts of interest.

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

51          (e) Members of the Commission shall serve terms of four years."

1           **SECTION 2.3.(b)** Transition of Membership of the Environmental Management  
2 Commission. –

3           (a) Except as otherwise provided in this section, the terms of all members of the  
4 Environmental Management Commission serving on January 1, 2013, shall expire March 15,  
5 2013. A new Commission of 15 members shall be appointed in the manner provided by  
6 G.S. 143B-283(a1), as enacted by Section 2.3(a) of this act, and this section. Members  
7 appointed in the manner provided by G.S. 143B-283(a1), as enacted by Section 2.3(a) of this  
8 act, shall be appointed no later than July 1, 2013.

9           (1) The member serving pursuant to G.S. 143B-283(a)(3) on January 1, 2013,  
10 shall continue to serve pursuant to G.S. 143B-283(a1)(5), as enacted by  
11 Section 2.3(a) of this act, until June 30, 2015.

12           (2) The member serving pursuant to G.S. 143B-283(a)(4) on January 1, 2013,  
13 shall continue to serve pursuant to G.S. 143B-283(a1)(8), as enacted by  
14 Section 2.3(a) of this act, until June 30, 2015.

15           (3) The member serving pursuant to G.S. 143B-283(a)(7) on January 1, 2013,  
16 whose term would otherwise expire on June 30, 2015, shall continue to serve  
17 pursuant to G.S. 143B-283(a1)(9), as enacted by Section 2.3(a) of this act,  
18 until June 30, 2015.

19           (4) The member serving pursuant to G.S. 143B-283(a)(10) on January 1, 2013,  
20 shall continue to serve pursuant to G.S. 143B-283(a1)(4), as enacted by  
21 Section 2.3(a) of this act, until June 30, 2015.

22           (b) Members of the Commission whose qualifications are described by subdivisions (3),  
23 (4), (5), (8), (9), (11), (13), and (15) of G.S. 143B-283(a1), as enacted by Section 2.3(a) of this  
24 act, shall be appointed for an initial term of two years and subsequent appointments shall be for  
25 four year terms thereafter. Members of the Commission whose qualifications are described by  
26 subdivisions (1), (2), (6), (7), (10), (12), and (14) of G.S. 143B-283(a1), as enacted by Section  
27 2.3(a) of this act, shall be appointed for an initial term of four years, and subsequent  
28 appointments shall be for four-year terms thereafter. Initial terms shall expire on June 30 of the  
29 year of expiration.

30           (c) Members of the Commission appointed to any other State board or commission as a  
31 representative of the Commission shall no longer serve as a member of those boards or  
32 commissions after this section becomes law, and a new Commission representative shall be  
33 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. At least two commissioners shall be Board  
43 Certified in workers' compensation law. Three commissioners shall be persons who, on account  
44 of their previous vocations, employment or affiliations, can be classed as representatives of  
45 employers. Three commissioners shall be persons who, on account of their previous vocations,  
46 employment or affiliations, can be classed as representatives of employees. No person may  
47 serve more than two terms on the Commission, including any term served prior to the effective  
48 date of this section. In calculating the number of terms served, a partial term that is less than  
49 three years in length shall not be included.

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

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

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

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

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

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

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

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

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

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

#### 3 4 UTILITIES COMMISSION

5 SECTION 2.5.(a) G.S. 62-10 reads as rewritten:

6 "§ 62-10. **Number; appointment; terms; qualifications; ~~chairman; chair; vacancies;~~  
7 ~~compensation; other employment prohibited.~~**

8 (a) The North Carolina Utilities Commission shall consist of ~~seven~~five commissioners  
9 who shall be appointed by the Governor subject to confirmation by the General Assembly by  
10 joint resolution. The names of commissioners to be appointed by the Governor shall be  
11 submitted by the Governor to the General Assembly for confirmation by the General Assembly  
12 on or before May 1, of the year in which the terms for which the appointments are to be made  
13 are to expire. Upon failure of the Governor to submit names as herein provided, the Lieutenant  
14 Governor and Speaker of the House jointly shall submit the names of a like number of  
15 commissioners to the General Assembly on or before May 15 of the same year for confirmation  
16 by the General Assembly. Regardless of the way in which names of commissioners are  
17 submitted, confirmation of commissioners must be accomplished prior to adjournment of the  
18 then current session of the General Assembly.~~This subsection shall be subject to the provisions~~  
19 ~~of subsection (e) of this section.~~ In appointing members to the Commission, the Governor shall  
20 appoint persons with at least five years of progressively responsible experience and a  
21 demonstrated competency in any one or more of the following areas:

22 (1) Utility law and regulation.

23 (2) Economics.

24 (3) Finance.

25 (4) Accounting.

26 (5) Business administration.

27 (a1) Members of the Commission are covered persons for the purposes of Chapter 138A  
28 of the General Statutes, the State Government Ethics Act. As covered persons, members of the  
29 Commission shall comply with the applicable requirements of the State Government Ethics  
30 Act, including mandatory training, the public disclosure of economic interests, and ethical  
31 standards for covered persons. Members of the Commission shall comply with the provisions  
32 of the State Government Ethics Act to avoid conflicts of interest.

33 Members of the Commission shall not be an office holder of any political party and shall  
34 not serve as a delegate to a political convention of any political party.

35 (b) ~~The terms of the commissioners now serving shall expire at the conclusion of the~~  
36 ~~term for which they were appointed which shall remain as before with two regular eight year~~  
37 ~~terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on~~  
38 ~~July 1 of each eighth year after July 1, 1963. The terms of office of utilities commissioners~~  
39 ~~thereafter shall be six years commencing on July 1 of the year in which the predecessor terms~~  
40 ~~expired, and ending on July 1 June 30 of the sixth year thereafter.~~

41 (c) ~~In order to increase the number of commissioners to seven, the names of two~~  
42 ~~additional commissioners shall be submitted to the General Assembly on or before May 27,~~  
43 ~~1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The~~  
44 ~~commissioners so appointed and confirmed shall serve new terms commencing on July 1, 1975,~~  
45 ~~one of which shall be for a period of two years (with the immediate successor serving for a~~  
46 ~~period of six years), and one of which shall be for a period of two years.~~

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

49 (d) A commissioner in office shall continue to serve until his successor is duly  
50 confirmed and qualified but such holdover shall not affect the expiration date of such  
51 succeeding term.

1 (e) ~~On July 1, 1965, and every~~Every four years thereafter, one of the commissioners  
2 shall be designated by the Governor to serve as chairman of the Commission for the succeeding  
3 four years and until his successor is ~~duly confirmed and qualifies designated.~~ Upon ~~death-death,~~  
4 ~~end of term,~~ or resignation of the commissioner ~~appointed~~designated as chairman, the  
5 Governor shall designate the chairman from the remaining ~~commissioners and appoint a~~  
6 ~~successor as hereinafter provided to fill the vacancy on the Commission-commissioners.~~

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

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

20 ...."

21 **SECTION 2.5.(b)** Reduce Terms and Number of Commissioner. – The terms held  
22 by commissioners serving on the Commission that were confirmed by the General Assembly  
23 prior to June 1, 2011, shall expire June 30, 2013. Two of the positions on the Commission  
24 vacant as of July 1, 2013, shall be eliminated to comply with the reduction in the membership  
25 of the Commission provided in subsection (a) of this section.

26 **SECTION 2.5.(c)** Appointments by the Governor. – By May 1, 2013, the Governor  
27 shall submit names of appointees subject to confirmation by the General Assembly for  
28 positions on the Commission as provided in this subsection. Appointees submitted by the  
29 Governor for these positions shall conform to all of the requirements of G.S. 62-10, including  
30 the requirements enacted by this section to be effective July 1, 2013. Upon the expiration of the  
31 terms appointed under this subsection, members of the Commission shall serve six-year terms  
32 as provided in G.S. 62-10. The Governor shall submit names of appointees to serve the  
33 following terms:

- 34 (1) Names of appointees for two positions with terms that shall begin on July 1,  
35 2013, and expire on June 30, 2015.  
36 (2) Names of appointees for two positions with terms that shall begin on July 1,  
37 2013, and expire on June 30, 2017.

38 **SECTION 2.5.(d)** Subsection (a) of this section becomes effective July 1, 2013.  
39 The remainder of this section is effective when it becomes law.

## 40 **WILDLIFE RESOURCES COMMISSION**

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

42 **"§ 143-241. Appointment and terms of office of Commission members; filling of**  
43 **vacancies.**

44 The members of the North Carolina Wildlife Resources Commission shall be appointed as  
45 follows:

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

48 The Governor shall appoint one member each from the second, fifth, and eighth wildlife  
49 districts to serve ~~two-year terms;~~four-year terms.  
50

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

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

4 The General Assembly shall appoint eight members of the Commission to serve two-year  
5 terms, four upon the recommendation of the Speaker of the House, four upon the  
6 recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.  
7 ~~Of the members appointed upon the recommendation of the Speaker of the House and upon the~~  
8 ~~recommendation of the President Pro Tempore of the Senate, at least one of each shall be a~~  
9 ~~member of the political party to which the largest minority of the members of the General~~  
10 ~~Assembly belongs.~~

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

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

26 "**§ 143-243. Organization of the Commission; election of officers; Robert's Rules of**  
27 **Order.**

28 The Commission shall hold at least two meetings annually, one in January and one in July,  
29 and ~~seventy~~a majority of the members of the Commission shall constitute a quorum for the  
30 transaction of business. Additional meetings may be held at such other times within the State as  
31 may be deemed necessary for the efficient transaction of the business of the Commission. The  
32 Commission may hold additional or special meetings at any time at the call of the chairman or  
33 on call of any five members of the Commission. The Commission shall determine its own  
34 organization and methods of procedure in accordance with the provisions of this Article, and  
35 shall have an official seal, which shall be judicially noticed.

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

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

49 Meetings of the Commission shall be conducted pursuant to Robert's Rules of Order."  
50

51 **NORTH CAROLINA TURNPIKE AUTHORITY**

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

2   "**§ 136-89.182. North Carolina Turnpike Authority.**

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

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

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

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

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

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

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

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

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

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

50       (k)   Executive Director and Administrative Employees. – ~~The Authority Board shall~~  
51   ~~appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its~~



1 ~~pleasure.~~The Secretary of Transportation, or the Secretary's designee, ~~The Executive Director~~  
2 shall be the Authority's chief administrative officer and shall be responsible for the daily  
3 administration of the toll roads and bridges constructed, maintained, or operated pursuant to  
4 this Article. ~~The Secretary or the Secretary's designee~~ ~~The Executive Director or his designee~~  
5 shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the  
6 compensation of administrative employees as the Executive Director deems necessary to carry  
7 out this Article.

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

## 10 11 STATE BOARD OF ELECTIONS

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

13 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

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

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

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

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

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

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

47 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the  
48 Constitution of the United States; that I will be faithful and bear true  
49 allegiance to the State of North Carolina, and to the constitutional powers  
50 and authorities which are or may be established for the government thereof;  
51 that I will endeavor to support, maintain and defend the Constitution of said

1 State, and that I will well and truly execute the duties of the office of  
2 member of the State Board of Elections according to the best of my  
3 knowledge and ability, according to law, so help me, God."  
4 After taking the prescribed oath, the Board shall organize by electing one of its members  
5 chairman and another secretary.

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

12 **SECTION 2.9.(b)** This section is effective when this act becomes law.  
13

#### 14 STATE BOARD OF EDUCATION

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

##### 16 "§ 115C-11. Organization and internal procedures of Board.

17 (a) Presiding Officer. – The Governor shall appoint a chairman from among the  
18 membership of the State Board of Education. The chairman shall serve in that role at the  
19 pleasure of the Governor. The State Board of Education shall elect from its membership a  
20 ~~chairman and vice-chairman.~~ A majority of the Board shall constitute a quorum for the  
21 transaction of business. Per diem and expenses of the appointive members of the Board shall be  
22 provided by the General Assembly. The chairman of the Board shall preside at all meetings of  
23 the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of  
24 both the chairman and the vice-chairman, the Board shall name one of its own members as  
25 chairman pro tempore.

26 ...

27 (h) Rules and Regulations. – The Board shall adopt reasonable rules and regulations not  
28 inconsistent herewith, to govern its proceedings which the Board may amend from time to time,  
29 which rules and regulations shall become effective when filed as provided by law: Provided,  
30 however, a motion to suspend the rules so adopted shall require a consent of two-thirds of the  
31 members. The rules and regulations shall include, but not be limited to, clearly defined  
32 procedures for electing the ~~officers vice-chairman and chairman pro tempore~~ of the State Board  
33 referred to in G.S. 115C-11(a), fixing the term of ~~said officers, the vice-chairman,~~ specifying  
34 how the voting shall be carried out, and establishing a date when the first election shall be  
35 held."  
36

#### 37 NORTH CAROLINA STATE LOTTERY COMMISSION

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

##### 39 "§ 18C-111. Commission membership; appointment; selection of chair; vacancies; 40 removal; meetings; compensation.

41 (a) The Commission shall consist of nine members, five of whom shall be appointed by  
42 the Governor, two of whom shall be appointed by the General Assembly upon the  
43 recommendation of the President Pro Tempore of the Senate, and two of whom shall be  
44 appointed by the General Assembly upon the recommendation of the Speaker of the House of  
45 Representatives. Commissioners may be removed by the appointing authority for cause. The  
46 Governor shall select the chair of the Commission from among its membership, who shall serve  
47 at the pleasure of the Governor.

48 (b) The terms of all members serving on the Commission as of January 1, 2013, shall  
49 terminate on the effective date of this section. No later than July 1, 2013, Of the initial  
50 appointees of the Governor, the Governor shall appoint five members to serve terms of two  
51 years. three members shall serve a term of one year, one member shall serve a term of two

1 years, and one member shall serve a term of three years. Of the initial appointees of the No later  
2 than July 1, 2013, the General Assembly upon the recommendation of the President  
3 Pro Tempore of the Senate, ~~one member shall serve a term of two years, and one member shall~~  
4 ~~serve a term of three years.~~ shall appoint two members to serve terms of two years. ~~Of the~~  
5 ~~initial appointees of~~ No later than July 1, 2013, the General Assembly upon the  
6 recommendation of the Speaker of the House of Representatives, ~~one member shall serve a~~  
7 ~~term of two years, and one member serve a term of three years.~~ shall appoint two members to  
8 serve terms of two years. Initial terms shall expire on June 30 of the year of expiration. All  
9 succeeding appointments shall be for terms of ~~five~~ two years. Members shall not serve for more  
10 than two successive terms.

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

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

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

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

## 18 **CHARTER SCHOOL ADVISORY COMMITTEE**

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

20 **SECTION 2.13.(b)** The North Carolina Charter School Advisory Council, as  
21 established by the State Board of Education on August 4, 2011, by Policy TCS-B-006, is  
22 abolished.  
23

24 **SECTION 2.13.(c)** This section is effective when this act becomes law.

## 25 **BOARD OF TRANSPORTATION**

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

27 "(1) Number, appointment. – The Board of Transportation shall have ~~19~~<sup>21</sup> voting  
28 members. Fourteen of the members shall be division members appointed by  
29 the Governor. Five shall be at-large members appointed by the Governor.  
30 One shall be an at-large member appointed by the General Assembly upon  
31 recommendation of the President Pro Tempore of the Senate, and one shall  
32 be an at-large member appointed by the General Assembly upon  
33 recommendation of the Speaker of the House of Representatives. At least  
34 three members of the Board appointed by the Governor shall be registered  
35 voters of a political party other than the political party of the Governor. The  
36 Secretary of Transportation shall serve as an ex officio nonvoting member of  
37 the Board. No more than two members of the Board may reside in the same  
38 highway division."  
39

40 **SECTION 2.14.(b)** G.S. 143B-350(c) reads as rewritten:

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

1 except that the terms of at-large members appointed by the General Assembly shall be for two  
2 years beginning on January 15, 2013, and biennially thereafter."

3 **SECTION 2.14.(c)** The terms of the nine members of the Board of Transportation  
4 previously appointed for terms expiring January 14, 2015, expire upon appointment of their  
5 replacements as provided in this section. The Governor shall designate for each of the nine new  
6 appointments which member is being replaced.

## 8 **DIETETICS/NUTRITION BOARD**

9 **SECTION 2.15.(a)** G.S. 90-353 reads as rewritten:

### 10 **"§ 90-353. Creation of Board.**

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

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

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

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

21 ~~(4)~~(3) One member shall be a professional whose primary practice is in  
22 management of nutritional services;

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

25 ~~(6)~~(4) Two members shall represent the public at large.

26 (b) Professional members of the Board shall:

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

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

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

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

33 (1) A dietician/nutritionist.

34 (2) An agent or employee of a person engaged in the profession of  
35 dietetics/nutrition.

36 (3) A licensed health care professional or enrolled in a program to become  
37 prepared to be a licensed health care professional.

38 (4) An agent or employee of a health care institution, a health care insurer, or a  
39 health care professional school.

40 (5) A member of any allied health profession or enrolled in a program to  
41 become prepared to be a member of an allied health profession.

42 (6) The spouse of an individual who may not serve as a public member of the  
43 Board."

44 **SECTION 2.15.(b)** G.S. 90-354(a) reads as rewritten:

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

46 (1) The Governor shall appoint the three professional ~~member—members~~  
47 ~~described in G.S. 90-353(a)(5) and the two public members described in~~  
48 ~~G.S. 90-353(a)(6);~~G.S. 90-353(a);

49 (2) The General Assembly upon the recommendation of the Speaker of the  
50 House of Representatives shall appoint ~~the professional members—one~~  
51 member representing the public described in G.S. 90-353(a)(1) and

1 G.S. 90-353(a)(2) in accordance with G.S. 120-121, one of whom shall be a  
2 nutritionist with a masters or higher degree in a nutrition-related discipline;  
3 G.S. 120-121; and

4 (3) The General Assembly upon the recommendation of the President Pro  
5 Tempore of the Senate shall appoint one member representing the public the  
6 professional members described in G.S. 90-353(a)(3) and G.S. 90-353(a)(4)  
7 in accordance with G.S. 120-121, one of whom shall be a nutritionist with a  
8 masters or higher degree in a nutrition-related discipline. G.S. 120-121.

9 (b) The terms of all members of the Board serving on January 1, 2013, shall expire  
10 March 31, 2013. Members of the Board shall take office on the first day of July immediately  
11 following the expired term of that office and shall serve for a term of three years and until their  
12 successors are appointed and qualified."  
13

## 14 POST-RELEASE SUPERVISION AND PAROLE COMMISSION

15 SECTION 2.16.(a) G.S. 143B-721 reads as rewritten:

16 "**§ 143B-721. Post-Release Supervision and Parole Commission – members; selection;**  
17 **removal; chairman; compensation; quorum; services.**

18 (a) ~~Effective August 1, 2005,~~ February 1, 2013, the Post-Release Supervision and Parole  
19 Commission shall consist of ~~one full-time member and two half-time~~ four full-time members.  
20 The ~~three~~ four members shall be appointed by the Governor from persons whose recognized  
21 ability, training, experience, and character qualify them for service on the Commission. ~~The~~  
22 ~~terms of office of any members serving on the Commission on June 30, 2005, shall expire on~~  
23 ~~that date.~~ The terms of office of persons appointed by the Governor as members of the  
24 Commission shall be for four years or until their successors are appointed and qualify. Any  
25 appointment to fill a vacancy on the Commission created by the resignation, removal, death or  
26 disability of a member shall be for the balance of the unexpired term only.

27 (a1) ~~Effective August 1, 2012, both half-time commissioners shall begin serving as~~  
28 ~~full-time members of the Commission, and the Post-Release Supervision and Parole~~  
29 ~~Commission shall consist of three full-time members.~~

30 (a2) ~~Effective February 1, 2013, an additional member shall be appointed by the~~ consist  
31 ~~of four full-time members.~~

32 (b) All members of the Post-Release Supervision and Parole Commission appointed by  
33 the Governor shall possess the recognized ability, training, experience, and character to qualify  
34 each person to serve ably on the Commission.

35 (c) The Governor shall have the authority to remove any member of the Commission  
36 from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of  
37 G.S. 143B-13. The Governor shall designate a member of the Commission to serve as chair of  
38 the Commission at the pleasure of the Governor.

39 (d) The granting, denying, revoking, or rescinding of parole, the authorization of  
40 work-release privileges to a prisoner, or any other matters of business coming before the  
41 Commission for consideration and action shall be decided by majority vote of the full  
42 Commission.

43 (e) The members of the Commission shall receive the salary fixed by the General  
44 Assembly in the Current Operations Appropriations Act and shall receive necessary travel and  
45 subsistence expenses in accordance with the provisions of G.S. 138-6. Notwithstanding any  
46 other provision of law, the half-time members of the Commission shall not be subject to the  
47 provisions of G.S. 135-3(8)(c).

48 (f) All clerical and other services required by the Commission shall be supplied by the  
49 Secretary of the Department of Public Safety."

50 SECTION 2.16.(b) The term of office of any member serving on the Post-Release  
51 Supervision and Parole Commission on January 1, 2013, shall expire on the effective date of

1 this section. The Governor shall appoint new members in accordance with G.S. 143B-721(a) as  
2 amended by this act and shall designate for each of the three new appointments which member  
3 is being replaced. The initial term of the members appointed under this section shall expire on  
4 June 30, 2017.

5 **SECTION 2.16.(c)** This section becomes effective when it becomes law.

## 7 **MINING AND ENERGY COMMISSION**

8 **SECTION 2.17.** G.S. 143B-293.2 is amended by adding a new subsection to read:

9 "(a) Office May Be Held Concurrently With Others. – Membership on the Mining and  
10 Energy Commission is hereby declared to be an office that may be held concurrently with other  
11 elective or appointive offices in addition to the maximum number of offices permitted to be  
12 held by one person under G.S. 128-1.1."

## 14 **OFFICE OF ADMINISTRATIVE HEARINGS**

15 **SECTION 2.18.(a)** G.S. 7A-752 reads as rewritten:

16 **"§ 7A-752. Chief Administrative Law Judge; appointments; vacancy.**

17 The Chief Administrative Law Judge of the Office of Administrative Hearings shall be  
18 appointed by the ~~Chief Justice~~ Governor subject to confirmation by the General Assembly for a  
19 term of office of ~~four~~ five years. ~~The first Chief Administrative Law Judge shall be appointed~~  
20 ~~as soon as practicable for a term to begin on the day of his appointment and to end on June 30,~~  
21 ~~1989.~~ Successors to the first Chief Administrative Law Judge shall be appointed for a term to  
22 begin on July 1 of the year the preceding term ends and to end on June 30 ~~four~~ five years later.  
23 A Chief Administrative Law Judge may continue to serve beyond his term until his successor is  
24 duly appointed and sworn, but any holdover shall not affect the expiration date of the  
25 succeeding term.

26 The Chief Administrative Law Judge shall designate one administrative law judge as senior  
27 administrative law judge. The senior administrative law judge may perform the duties of Chief  
28 Administrative Law Judge if the Chief Administrative Law Judge is absent or unable to serve  
29 temporarily for any reason."

30 **SECTION 2.18.(b)** G.S. 7A-753 reads as rewritten:

31 **"§ 7A-753. Additional administrative law judges; appointment; specialization.**

32 The ~~Chief Administrative Law Judge~~ Governor shall appoint additional administrative law  
33 judges to serve in the Office of Administrative Hearings in such numbers as the General  
34 Assembly provides. Each administrative law judge appointed under this section shall serve a  
35 term of five years. No person shall be appointed or designated an administrative law judge  
36 except as provided in this Article.

37 The Chief Administrative Law Judge may designate certain administrative law judges as  
38 having the experience and expertise to preside at specific types of contested cases and assign  
39 only these designated administrative law judges to preside at those cases."

40 **SECTION 2.18.(c)** G.S. 7A-760(a) reads as rewritten:

41 "(a) The number of administrative law judges and employees of the Office of  
42 Administrative Hearings shall be established by the General Assembly. The Chief  
43 Administrative Law Judge is exempt from provisions of the State Personnel Act as provided by  
44 G.S. 126-5(c1)(26). Administrative law judges appointed by the Governor in accordance with  
45 G.S. 7A-753 on or after June 30, 2013, are exempt from the provisions of the State Personnel  
46 Act. All other employees of the Office of Administrative Hearings are subject to the State  
47 Personnel Act."

48 **SECTION 2.18.(d)** This section becomes effective June 30, 2013, and applies to  
49 appointments of the Chief Administrative Law Judge and additional administrative law judges  
50 made on or after that date. G.S. 7A-760(a), as amended by this act, shall not apply to any  
51 administrative law judge serving on the effective date of this act.

1  
2 **STATE PERSONNEL COMMISSION**3 **SECTION 2.19.(a)** G.S. 126-2(b) reads as rewritten:4 **"§ 126-2. State Personnel Commission.**5 (a) There is hereby established the State Personnel Commission (hereinafter referred to  
6 as "the Commission").7 (b) ~~The Commission shall consist of nine members, appointed as follows:~~8 (1) ~~Two members shall be attorneys licensed to practice law in North Carolina  
9 appointed by the General Assembly, one of whom shall be appointed upon  
10 the recommendation of the Speaker of the House of Representatives, and one  
11 of whom shall be appointed upon the recommendation of the President Pro  
12 Tempore of the Senate.~~13 ~~The initial two attorney members appointed under this subdivision shall  
14 serve terms expiring June 30, 2004; the terms of subsequent appointees shall  
15 be six years.~~16 (2) ~~Two persons from private business or industry appointed by the Governor,  
17 both of whom shall have a working knowledge of, or practical experience in,  
18 human resources management. The initial members appointed under this  
19 subdivision shall serve terms expiring June 30, 2003; the terms of  
20 subsequent appointees shall be six years.~~21 (3) ~~Two State employees subject to the State Personnel Act serving in  
22 nonexempt positions, appointed by the Governor, including one of whom is  
23 a veteran of the Armed Forces of the United States appointed upon the  
24 nomination of the Veterans' Affairs Commission. One employee shall serve  
25 in a State government position having supervisory duties, and one employee  
26 shall serve in a nonsupervisory position. Neither employee may be a human  
27 resources professional. The Governor shall consider nominations submitted  
28 by the State Employees Association of North Carolina. The initial members  
29 appointed under this subdivision shall serve terms expiring June 30, 2001;  
30 the terms of subsequent appointees shall be six years.~~31 (4) ~~Two local government employees subject to the State Personnel Act  
32 appointed by the Governor upon recommendation of the North Carolina  
33 Association of County Commissioners, one a nonsupervisory local employee  
34 and one a supervisory local employee. Neither local government employee  
35 may be a human resources professional. The initial members appointed  
36 under this subdivision shall serve terms expiring June 30, 2003; the terms of  
37 subsequent appointees shall be for six years.~~38 (5) ~~One member of the public at large appointed by the Governor. The initial  
39 member appointed under this subdivision shall serve for a term expiring  
40 June 30, 2001; the terms of subsequent appointees shall be for six years.~~41 (b1) The Commission shall consist of nine members, appointed as follows:42 (1) One member appointed by the General Assembly upon the recommendation  
43 of the Speaker of the House of Representatives who shall be an attorney  
44 licensed to practice law in North Carolina.45 (2) One member appointed by the General Assembly upon the recommendation  
46 of the President Pro Tempore of the Senate who shall be an attorney licensed  
47 to practice law in North Carolina.48 (3) One member appointed by the General Assembly upon the recommendation  
49 of the Speaker of the House of Representatives who shall be from private  
50 business or industry and who shall have a working knowledge of, or  
51 practical experience in, human resources management.

- 1           (4)    One member appointed by the General Assembly upon the recommendation  
2           of the President Pro Tempore of the Senate who shall be from private  
3           business or industry and who shall have a working knowledge of, or  
4           practical experience in, human resources management.
- 5           (5)    One member who is a veteran of the Armed Forces of the United States  
6           appointed by the Governor upon the nomination of the Veterans Affairs  
7           Commission and who is a State employee subject to this Chapter serving in a  
8           nonexempt supervisory position. The member may not be a human resources  
9           professional. The Governor shall consider nominations submitted by the  
10          State Employees Association of North Carolina.
- 11          (6)    One member appointed by the Governor who is a State employee subject to  
12          this Chapter serving in a nonexempt nonsupervisory position. The member  
13          may not be a human resources professional. The Governor shall consider  
14          nominations submitted by the State Employees Association of North  
15          Carolina.
- 16          (7)    One member appointed by the Governor upon the recommendation of the  
17          North Carolina Association of County Commissioners who is a local  
18          government employee subject to this Chapter serving in a supervisory  
19          position. The member may not be a human resources professional.
- 20          (8)    One member appointed by the Governor upon the recommendation of the  
21          North Carolina Association of County Commissioners who is a local  
22          government employee subject to this Chapter serving in a nonsupervisory  
23          position. The member may not be a human resources professional.
- 24          (9)    One member of the public at large appointed by the Governor.
- 25          (c)    Each member of the Commission shall be appointed for a term of four years.  
26          Members of the Commission may serve no more than two consecutive terms. Appointments by  
27          the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those  
28          appointments shall be filled in accordance with G.S. 120-122. Vacancies in appointments made  
29          by the Governor occurring prior to the expiration of a term shall be filled by appointment for  
30          the unexpired term.
- 31          (d)    No member of the Commission may serve on a case where there would be a conflict  
32          of interest. The appointing authority may at any time remove any Commission member for  
33          cause.
- 34          (e)    Members of the Commission who are State or local government employees subject  
35          to ~~the State Personnel Act~~ this Chapter shall be entitled to administrative leave without loss of  
36          pay for all periods of time required to conduct the business of the Commission.
- 37          (f)    Six members of the Commission shall constitute a quorum.
- 38          (g)    The Governor shall designate one member of the Commission as chair.
- 39          (h)    The Commission shall meet quarterly, and at other times at the call of the chair."

40          **SECTION 2.19.(b)** The terms of the two attorney members appointed under  
41          G.S. 126-2(b)(1) serving on the Commission on January 1, 2013, shall expire on June 30, 2013.  
42          The terms of the persons from private business or industry appointed under G.S. 126-2(b)(2),  
43          serving on the Commission on January 1, 2013, shall expire on June 30, 2014. The terms of the  
44          two State employees appointed under G.S. 126-2(b)(3) serving on the Commission on January  
45          1, 2013, shall expire on June 30, 2013. The terms of the two local government employees  
46          appointed under G.S. 126-2(b)(4), serving on the Commission on January 1, 2013, shall expire  
47          on June 30, 2014. The term of the public at-large member appointed under G.S. 126-2(b)(5),  
48          serving on the Commission on January 1, 2013, shall expire June 30, 2013.

49          **SECTION 2.19.(c)** This section is effective when it becomes law.

50



1 **NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING**  
2 **STANDARDS COMMISSION**

3 **SECTION 2.20.** G.S. 17C-3(a) reads as rewritten:

4 "(a) There is established the North Carolina Criminal Justice Education and Training  
5 Standards Commission, hereinafter called "the Commission." The Commission shall be  
6 composed of 31 members as follows:

- 7 (1) Police Chiefs. – Three police chiefs selected by the North Carolina  
8 Association of Chiefs of Police and one police chief appointed by the  
9 Governor.
- 10 (2) Police Officers. – Three police officials appointed by the North Carolina  
11 Police Executives Association and ~~two~~ one criminal justice ~~officers~~ officer  
12 certified by the Commission as selected by the North Carolina  
13 ~~Law Enforcement Officers' Association~~ Association of Chiefs of Police.
- 14 (3) Departments. – The Attorney General of the State of North Carolina; the  
15 Secretary of Public Safety; the President of the North Carolina Community  
16 Colleges System.
- 17 (3a) Repealed by Session Laws 2001-490, s. 1.2, effective June 30, 2001.
- 18 (4) At-large Groups. – One individual representing and appointed by each of the  
19 following organizations: one mayor selected by the League of  
20 Municipalities; one law-enforcement training officer selected by the North  
21 Carolina Law-Enforcement Training Officers' Association; one criminal  
22 justice professional selected by the North Carolina Criminal Justice  
23 Association; one sworn law-enforcement officer selected by the North State  
24 Law-Enforcement Officers' Association; one member selected by the North  
25 Carolina Law-Enforcement Women's Association; one individual selected  
26 by the North Carolina Sheriff's Association; and one District Attorney  
27 selected by the North Carolina Association of District Attorneys.
- 28 (5) Citizens and Others. – The President of The University of North Carolina;  
29 the Dean of the School of Government at the University of North Carolina at  
30 Chapel Hill; and two citizens, one of whom shall be selected by the  
31 Governor and one of whom shall be selected by the Attorney General. The  
32 General Assembly shall appoint four persons, two upon the recommendation  
33 of the Speaker of the House of Representatives and two upon the  
34 recommendation of the President Pro Tempore of the Senate. Appointments  
35 by the General Assembly shall be made in accordance with G.S. 120-122.  
36 Appointments by the General Assembly shall be for two-year terms to  
37 conclude on June 30th in odd-numbered years.
- 38 (6) Correctional Officers. – Four correctional officers in management positions  
39 employed by the Division of Adult Correction of the Department of Public  
40 Safety shall be appointed, two from the Section of Community Corrections  
41 of the Division of Adult Correction upon the recommendation of the Speaker  
42 of the House of Representatives and two from the Section of Prisons of the  
43 Division of Adult Correction upon the recommendation of the President Pro  
44 Tempore of the Senate. Appointments by the General Assembly shall be  
45 made in accordance with G.S. 120-122. Appointments by the General  
46 Assembly shall serve two-year terms to conclude on June 30th in  
47 odd-numbered years. The Governor shall appoint one correctional officer  
48 employed by the Division of Adult Correction of the Department of Public  
49 Safety and assigned to the Office of Staff Development and Training. The  
50 Governor's appointment shall serve a three-year term.
- 51

1 **PART III. ISSUES RELATING TO INDEPENDENT OCCUPATIONAL LICENSING**  
2 **BOARDS**

3 **SECTION 3.1.** Chapter 93B of the General Statutes is amended by adding a new  
4 section to read:

5 **"§ 93B-8.1. Use of criminal history records.**

6 (a) The following definitions apply in this section:

- 7 (1) Applicant. – A person who makes application for licensure from an  
8 occupational licensing board.  
9 (2) Board. – An occupational licensing board as defined in G.S. 93B-1.  
10 (3) Criminal history record. – A State or federal history of conviction of a crime,  
11 whether a misdemeanor or felony, that bears upon an applicant's or a  
12 licensee's fitness to be licensed or disciplined.  
13 (4) Licensee. – A person who has obtained a license to engage in or represent  
14 himself or herself to be a member of a particular profession or occupation.

15 (b) Unless the law governing a particular occupational licensing board provides  
16 otherwise, a board shall not automatically deny licensure on the basis of an applicant's criminal  
17 history. If the board is authorized to deny a license to an applicant on the basis of conviction of  
18 any crime or for commission of a crime involving fraud or moral turpitude, and the applicant's  
19 verified criminal history record reveals one or more convictions of any crime, the board may  
20 deny the license if it finds that denial is warranted after consideration of the following factors:

- 21 (1) The level and seriousness of the crime.  
22 (2) The date of the crime.  
23 (3) The age of the person at the time of the crime.  
24 (4) The circumstances surrounding the commission of the crime, if known.  
25 (5) The nexus between the criminal conduct and the prospective duties of the  
26 applicant as a licensee.  
27 (6) The prison, jail, probation, parole, rehabilitation, and employment records of  
28 the applicant since the date the crime was committed.  
29 (7) The subsequent commission of a crime by the applicant.

30 (c) The board may deny licensure to an applicant who refuses to consent to a criminal  
31 history record check or use of fingerprints or other identifying information required by the State  
32 or National Repositories of Criminal Histories."

33 **SECTION 3.2.** The Joint Legislative Program Evaluation Oversight Committee  
34 shall include in the 2013-2014 Work Plan for the Program Evaluation Division of the General  
35 Assembly a study to evaluate the structure, organization, and operation of the various  
36 independent occupational licensing boards. For purposes of this act, the term "occupational  
37 licensing board" has the same meaning as defined in G.S. 93B-1. The Program Evaluation  
38 Division shall include the following within this study:

- 39 (1) Consideration of the feasibility of establishing a single State agency to  
40 oversee the administration of all or some of the occupational licensing  
41 boards.  
42 (2) Whether greater efficiency and cost-effectiveness can be realized by  
43 combining the administrative functions of the boards, while allowing the  
44 boards to continue performing the regulatory functions.  
45 (3) Whether the total number of boards should be reduced by combining and/or  
46 eliminating some boards.

47 **SECTION 3.3.** The Program Evaluation Division shall submit its findings and  
48 recommendations from Section 3.2 of this act to the Joint Legislative Program Evaluation  
49 Oversight Committee and the Joint Legislative Administrative Procedure Oversight Committee  
50 at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.  
51

**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.