

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 756

Short Title: Revise Building Commission Membership.

(Public)

Sponsors: Senator Nesbitt.

Referred to: Commerce.

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE STATE BUILDING
COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-135.25 reads as rewritten:

"§ 143-135.25. State Building Commission – Creation; staff; membership; appointments; terms; vacancies; chairman; compensation.

(a) A State Building Commission is created within the Department of Administration to develop procedures to direct and guide the State's capital facilities development and management program and to perform the duties created under this Article.

(b) The State Construction Office of the Department of Administration shall provide staff to the State Building Commission. The chairman of the Commission shall provide direction to the State Construction Office on its work for the Commission.

The director of the State Construction Office shall be a registered engineer or licensed architect and shall be technically qualified by educational background and professional experience in building design, construction, or facilities management. The administrative head shall be appointed by the Secretary of the Department of Administration.

(c) The Commission shall consist of ~~nine~~ 12 members qualified and appointed as follows:

(1) A licensed architect whose primary practice is or was in the design of buildings, chosen from among not more than three persons nominated by the North Carolina Chapter of the American Institute of Architects, appointed by the Governor.

(2) A registered engineer whose primary practice is or was in the design of engineering systems for buildings, chosen from among not more than three persons nominated by the Consulting Engineers Council and the Professional Engineers of North Carolina, appointed by the General

- 1 Assembly upon the recommendation of the President Pro Tempore of
2 the Senate in accordance with G.S. 120-121.
- 3 (3) A licensed building contractor whose primary business is or was in the
4 construction of buildings, or an employee of a company holding a
5 general contractor's license, chosen from among not more than three
6 persons nominated by the Carolinas AGC (Associated General
7 Contractors), appointed by the General Assembly upon the
8 recommendation of the Speaker of the House of Representatives in
9 accordance with G.S. 120-121.
- 10 (4) A licensed electrical contractor whose primary business is or was in
11 the installation of electrical systems for buildings, chosen from among
12 not more than three persons nominated by the North Carolina
13 Association of Electrical Contractors, and the Carolinas Electrical
14 Contractors' Association, appointed by the Governor.
- 15 (5) A public member appointed by the General Assembly upon the
16 recommendation of the President Pro Tempore of the Senate in
17 accordance with G.S. 120-121.
- 18 (6) A licensed mechanical contractor whose primary business is or was in
19 the installation of mechanical systems for buildings, chosen from
20 among not more than three persons nominated by the North Carolina
21 Association of Plumbing, Heating, Cooling Contractors, appointed by
22 the General Assembly upon the recommendation of the Speaker of the
23 House of Representatives in accordance with G.S. 120-121.
- 24 (7) An employee of the university system currently involved in the capital
25 facilities development process, chosen from among not more than
26 three persons nominated by the Board of Governors of The University
27 of North Carolina, appointed by the Governor.
- 28 (8) A public member who is knowledgeable in the building construction
29 or building maintenance area, appointed by the General Assembly
30 upon the recommendation of the President Pro Tempore of the Senate
31 in accordance with G.S. 120-121.
- 32 (9) A representative of local government, chosen from among not more
33 than two persons nominated by the North Carolina Association of
34 County Commissioners and two persons nominated by the North
35 Carolina League of Municipalities, appointed by the General
36 Assembly upon recommendation of the Speaker of the House of
37 Representatives in accordance with G.S. 120-121.
- 38 (10) A building contractor or subcontractor whose primary business is or
39 was the construction of commercial or industrial buildings or facilities,
40 or an employee of a building contractor or subcontractor whose
41 primary business is or was the construction of commercial or industrial
42 buildings or facilities, chosen from among not more than three persons
43 nominated by the Associated Builders and Contractors of the
44 Carolinas, appointed by the General Assembly upon the

1 recommendation of the President Pro Tempore of the Senate in
2 accordance with G.S. 120-121.

3 (11) A building contractor or subcontractor whose primary business is or
4 was the construction of buildings and whose business is designated a
5 minority business by the Department of Administration, or an
6 employee of a building contractor or subcontractor whose primary
7 business is or was the construction of buildings and whose business is
8 designated a minority business by the Department of Administration,
9 appointed by the Governor.

10 (12) A licensed attorney who is a member of the Construction Law Section
11 of the North Carolina Bar Association and whose primary practice is in
12 construction law, chosen from among not more than three persons
13 nominated by the Construction Law Section of the North Carolina Bar
14 Association, appointed by the General Assembly upon the
15 recommendation of the Speaker of the House of Representatives in
16 accordance with G.S. 120-121.

17 The members shall be appointed for staggered three-year terms: The initial
18 appointments to the Commission shall be made within 15 days of the effective date of
19 this act [April 14, 1987]. The initial terms of members appointed pursuant to
20 subdivisions (1), (2), and (3) shall expire June 30, 1990; the initial terms of members
21 appointed pursuant to (4), (5), and (6) shall expire June 30, 1989; and the initial terms of
22 members appointed pursuant to (7), (8), and (9) shall expire June 30, 1988. The initial
23 term of the member appointed pursuant to subdivision (10) of this subsection shall
24 expire June 30, 2006. The initial term of the member appointed pursuant to subdivision
25 (11) of this subsection shall expire June 30, 2007. The initial term of the member
26 appointed pursuant to subdivision (12) of this subsection shall expire June 30, 2008.
27 Members may serve no more than six consecutive years. In making new appointments
28 or filling vacancies, the Governor shall ensure that minorities and women are
29 represented on the Commission.

30 Vacancies in appointments made by the Governor shall be filled by the Governor for
31 the remainder of the unexpired terms. Vacancies in appointments made by the General
32 Assembly shall be filled in accordance with G.S. 120-122. Persons appointed to fill
33 vacancies shall qualify in the same manner as persons appointed for full terms.

34 The chairman of the Commission shall be elected by the Commission. The Secretary
35 of State shall serve as chairman until a chairman is elected.

36 (d) The Commission shall meet at least four times a year on or about January 15,
37 April 15, July 15, and October 15. The Commission shall also meet upon the call of the
38 chairman, or upon call of at least five members. The Secretary of State shall call the first
39 meeting within 30 days of the effective date of this act; the first order of business at the
40 first meeting shall be the election of a chairman by the Commission.

41 (e) Members of the Commission who are not State officers or employees shall
42 receive per diem of one hundred dollars (\$100.00) a day when the Commission meets
43 and shall be reimbursed for travel and subsistence as provided in G.S. 138-5. Members

1 who are State officers or employees shall be reimbursed for travel and subsistence as
2 provided in G.S. 138-6."
3 **SECTION 2.** This act is effective when it becomes law.