

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE DRS85187-LR-72M\* (02/26)

Short Title: Modernize State Personnel Act. (Public)

Sponsors: Senators Tucker, J. Davis, and Curtis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODERNIZE THE STATE PERSONNEL ACT.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** Chapter 126 of the General Statutes, the State Personnel Act, is  
5 hereby renamed and may be cited as the "North Carolina Human Resources Act."

6 **SECTION 1.(b)** The following entities and positions created by Chapter 126 of the  
7 General Statutes are hereby renamed by this act:

8 (1) The State Personnel Commission is renamed the "North Carolina Human  
9 Resources Commission."

10 (2) The Office of State Personnel is renamed the "North Carolina Office of State  
11 Human Resources."

12 (3) The State Personnel Director is renamed the Director of the North Carolina  
13 Office of State Human Resources.

14 **SECTION 1.(c)** Modification of References. – The Revisor of Statutes shall delete  
15 any reference in the General Statutes to the State Personnel Act, State Personnel Commission,  
16 the State Personnel Director, or the Office of State Personnel, or any derivative thereof, and  
17 substitute references to the North Carolina Human Resources Act, the State Human Resources  
18 Commission, the Director of the Office of State Human Resources, and the Office of Human  
19 Resources created by this act wherever conforming changes are necessary. The affected statutes  
20 include, but are not limited to, the following:

21 G.S. 7A-754 Qualifications; standards of conduct; removal.

22 G.S. 7A-759 Role as deferral agency.

23 G.S. 18C-113 Meetings; records.

24 G.S. 18C-120 Selection of the Director; powers and duties.

25 G.S. 53C-2-3 The Office of the Commissioner of Banks.

26 G.S. 63A-24 General laws apply to Authority; exceptions.

27 G.S. 74-24.19 Administrative provisions.

28 G.S. 90-270.51 Powers and duties.

29 G.S. 90-333 North Carolina Board of Licensed Professional Counselors;  
30 appointments; terms; composition.

31 G.S. 90B-5 North Carolina Social Work Certification and Licensure Board;  
32 appointments; terms; composition.

33 G.S. 95-127 Definitions.

34 G.S. 97-77 North Carolina Industrial Commission created; members  
35 appointed by Governor; terms of office; chairman.

36 G.S. 114-4 Assistants; compensation; assignments.



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| 1  | G.S. 114-4.2B    | Employment of attorney for University of North Carolina          |
| 2  |                  | Hospitals at Chapel Hill.  |
| 3  | G.S. 114-4.2C    | Employment of attorney for the Real Estate Commission.           |
| 4  | G.S. 114-4.2D    | Employment of attorney for Energy Policy Council and Energy      |
| 5  |                  | Efficiency Program of the Department of Commerce.                |
| 6  | G.S. 114-19.2    | Criminal record checks of school personnel.                      |
| 7  | G.S. 115C-21     | Powers and duties generally.                                     |
| 8  | G.S. 115C-238.68 | Employees.   |
| 9  | G.S. 115D-3      | Community Colleges System Office; staff.                         |
| 10 | G.S. 116-11      | Powers and duties generally.                                     |
| 11 | G.S. 116-14      | President and staff.   |
| 12 | G.S. 116-30.4    | Position management.   |
| 13 | G.S. 116-33.2    | Cooperative Extension Service employees.                         |
| 14 | G.S. 116-37      | University of North Carolina Health Care System.                 |
| 15 | G.S. 116-40.6    | East Carolina University Medical Faculty Practice Plan.          |
| 16 | G.S. 120-86.1    | Personnel-related action unethical.                              |
| 17 | G.S. 122C-121    | Area director.   |
| 18 | G.S. 122C-154    | Personnel.   |
| 19 | G.S. 122C-156    | Salary plan for employees of the area authority.                 |
| 20 | G.S. 122C-191    | Quality of services.   |
| 21 | G.S. 122C-270    | Attorneys to represent the respondent and the State.             |
| 22 | G.S. 122C-408    | Butner Public Safety Authority; jurisdiction; fire and police    |
| 23 |                  | district   |
| 24 | G.S. 135-3       | Membership.  |
| 25 | G.S. 135-6       | Administration.  |
| 26 | G.S. 135-48.23   | Executive Administrator.   |
| 27 | G.S. 136-4       | Chief Engineer.  |
| 28 | G.S. 143-554     | Right of employee appeal.  |
| 29 | G.S. 143B-53.2   | Salaries, promotions, and leave of employees of the North        |
| 30 |                  | Carolina Department of Cultural Resources.                       |
| 31 | G.S. 143B-131.9  | Roanoke Island Commission staff.                                 |
| 32 | G.S. 143B-168.12 | North Carolina Partnership for Children, Inc.; conditions.       |
| 33 | G.S. 143B-168.14 | Local partnerships; conditions.                                  |
| 34 | G.S. 148-118.8   | Appointment, salary, and authority of Executive Director         |
| 35 |                  | and inmate grievance examiners.                                  |
| 36 | G.S. 150B-23     | Commencement; assignment of administrative law judge;            |
| 37 |                  | hearing required; notice; intervention.                          |
| 38 | G.S. 150B-33     | Powers of administrative law judge.                              |
| 39 | G.S. 153A-92     | Compensation.  |
| 40 | G.S. 153A-439    | Support of extension activities; personnel rules for extension   |
| 41 |                  | employees.   |
| 42 | G.S. 168A-10.1   | Dispute resolution in public services discrimination cases       |
| 43 | G.S. 7A-171.1    | Duty hours, salary, and travel expenses within county.           |
| 44 | G.S. 7A-751      | Agency head; powers and duties; salaries of Chief Administrative |
| 45 |                  | Law Judge and other administrative law judges.                   |
| 46 | G.S. 7A-760      | Number and status of employees; staff assignments; role of State |
| 47 |                  | Personnel Commission.  |
| 48 | G.S. 18C-120     | Selection of the Director; powers and duties.                    |
| 49 | G.S. 18C-173     | Limits on compensation increases.                                |
| 50 | G.S. 58-2-10     | Salary of Commissioner.  |

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| 1  | G.S. 58-71-5     | Commissioner of Insurance to administer Article; rules and                  |
| 2  |                  | regulations; employees; evidence of Commissioner's actions.                 |
| 3  | G.S. 58-86-15    | Director.   |
| 4  | G.S. 62-12       | Organization of Commission; adoption of rules and regulations               |
| 5  |                  | therefor.   |
| 6  | G.S. 88B-6       | Board office, employees, funds, budget requirements.                        |
| 7  | G.S. 90-270.4    | Exemptions to this Article.   |
| 8  | G.S. 95-2        | Election of Commissioner; term; salary; vacancy.                            |
| 9  | G.S. 97-78       | Salaries and expenses; administrator, executive secretary, deputy           |
| 10 |                  | commissioners, and other staff assistance; annual report.                   |
| 11 | G.S. 106-11      | . Salary of Commissioner of Agriculture.                                    |
| 12 | G.S. 113A-258    | Clean Water Management Trust Fund: Executive Director and                   |
| 13 |                  | staff.  |
| 14 | G.S. 114-7       | Salary of the Attorney General.   |
| 15 | G.S. 115C-20     | Office and salary.  |
| 16 | G.S. 115D-5      | Administration of institutions by State Board of Community                  |
| 17 |                  | Colleges; personnel exempt from State Personnel Act; extension courses;     |
| 18 |                  | tuition waiver; in-plant training; contracting, etc., for establishment and |
| 19 |                  | operation of extension units of the community college system; use of        |
| 20 |                  | existing public school facilities.  |
| 21 | G.S. 116-11      | Powers and duties generally.  |
| 22 | G.S. 116-30.4    | Position management.  |
| 23 | G.S. 120-36.1    | Fiscal Research Division of Legislative Services Commission                 |
| 24 |                  | established.  |
| 25 | G.S. 120-79      | Commission staffing.  |
| 26 | G.S. 122a-4      | North Carolina Housing Finance Agency.                                      |
| 27 | G.S. 122D-5      | Officers and employees; administration of Chapter.                          |
| 28 | G.S. 122E-4      | North Carolina Housing Partnership created; compensation;                   |
| 29 |                  | organization.   |
| 30 | G.S. 135-5.1     | Optional retirement program for The University of North                     |
| 31 |                  | Carolina.   |
| 32 | G.S. 135-48.23   | Executive Administrator.  |
| 33 | G.S. 136-4       | Chief Engineer.   |
| 34 | G.S. 138-4       | Governor to set salaries of administrative officers;                        |
| 35 |                  | exceptions; longevity pay.  |
| 36 | G.S. 138A-3      | Definitions.  |
| 37 | G.S. 140-5.15    | Director of Museum of Art; appointment; dismissal;                          |
| 38 |                  | powers and duties; staff.   |
| 39 | G.S. 143-166.41  | Special separation allowance.   |
| 40 | G.S. 143-641     | Powers and duties of the Commission.  |
| 41 | G.S. 143A-9      | Appointment of officers and employees; salaries of                          |
| 42 |                  | department heads.   |
| 43 | G.S. 143A-10     | Governor; continuation of powers and duties; staff.                         |
| 44 | G.S. 143B-5      | Governor; continuation of powers and duties.                                |
| 45 | G.S. 143B-9      | Appointment of officers and employees.                                      |
| 46 | G.S. 143B-10     | Powers and duties of heads of principal departments.                        |
| 47 | G.S. 143B-74.2   | U.S.S. North Carolina Battleship Commission –                               |
| 48 |                  | employees.  |
| 49 | G.S. 143B-131.9  | Roanoke Island Commission staff.  |
| 50 | G.S. 143B-146.7  | Consequences for personnel at low-performing schools.                       |
| 51 | G.S. 143B-426.11 | Powers of Agency.   |

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| 1  | G.S. 143B-426.38 | Organization and operation of office.                          |
| 2  | G.S. 147-33      | Compensation and expenses of Lieutenant Governor.              |
| 3  | G.S. 147-33.76   | Qualification, appointment, and duties of the State Chief      |
| 4  |                  | Information Officer.   |
| 5  | G.S. 147-33.77   | Office of Information Technology Services; organization and    |
| 6  |                  | operation.   |
| 7  | G.S. 147-35      | Salary of Secretary of State.                                  |
| 8  | G.S. 147-64.1    | Salary of State Auditor.                                       |
| 9  | G.S. 147-64.10   | Powers of appointment.   |
| 10 | G.S. 147-65      | Salary of State Treasurer.                                     |
| 11 | G.S. 153A-77     | Authority of boards of commissioners in certain counties over  |
| 12 |                  | commissions, boards, agencies, etc.                            |
| 13 | G.S. 153A-92     | Compensation.  |
| 14 | G.S. 116-37      | University of North Carolina Health Care System.               |
| 15 | G.S. 116-40.6    | East Carolina University Medical Faculty Practice Plan.        |
| 16 | G.S. 120-86.1    | Personnel-related action unethical.                            |
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| 35 |                  | inmate grievance examiners.                                    |
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| 37 |                  | required; notice; intervention.                                |
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| 39 | G.S. 153A-92     | Compensation.  |
| 40 | G.S. 153A-439    | Support of extension activities; personnel rules for extension |
| 41 |                  | employees.   |
| 42 | G.S. 168A-10.1   | Dispute resolution in public services discrimination cases.    |

43 **SECTION 2.** The terms of the members of the State Personnel Commission in  
44 effect on June 30, 2013, shall continue on as terms on the State Human Resources Commission.

45 **SECTION 3.** No action or proceeding pending on July 1, 2013, brought by or  
46 against the State Human Resources Commission (Commission), the Director of the Office of  
47 State Human Resources (Director), or the Office of State Human Resources (Office) shall be  
48 affected by any provision of this act, but the same may be prosecuted or defended in the name  
49 of the Commission, Director, and Office. In these actions and proceedings, the Commission,  
50 Director, or Office shall be substituted as a party upon proper application to the courts or other  
51 public bodies.

1           **SECTION 4.** Any business or other matter undertaken or commanded by the  
2 former State Personnel Commission, State Personnel Director, or Office of State Personnel  
3 regarding any State program, office, or contract or pertaining to or connected with their  
4 respective functions, powers, obligations, and duties that are pending on the date this act  
5 becomes effective may be conducted and completed by the Commission, Director, or Office in  
6 the same manner and under the same terms and conditions and with the same effect as if  
7 conducted and completed by the former commission, director, or office.

8           **SECTION 5.** This act becomes effective July 1, 2013.