

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 851*
PROPOSED COMMITTEE SUBSTITUTE S851-PCS35372-LG-36

Short Title: Boards & Commissions Efficiency Act of 2012.

(Public)

Sponsors:

Referred to:

May 22, 2012

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT BY ABOLISHING
3 CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES,
4 REORGANIZING THE MEMBERSHIP OF SOME STATE BOARDS, COMMISSIONS,
5 AND COMMITTEES, AND MAKING CONFORMING CHANGES, AS
6 RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.

7 Whereas, it is the intent of the North Carolina General Assembly to ensure wise
8 expenditures of taxpayer dollars and increase efficiency in governmental services; and

9 Whereas, legislative findings indicate more than 500 boards and commissions
10 containing more than 5,000 members were authorized by statute or by executive order as of
11 January 2011; and

12 Whereas, additional findings suggest the average cost to the State is almost \$800 per
13 member per year; and

14 Whereas, the steady proliferation of executive boards and commissions has done
15 little to improve the functioning of government or the services provided to citizens at
16 substantial costs to the taxpayer; and

17 Whereas, it is the intent of the General Assembly to eliminate certain boards and
18 commissions or diminish their membership in order to eliminate financial waste and provide
19 more efficient and effective services to the citizens of North Carolina; Now, therefore,
20 The General Assembly of North Carolina enacts:

21
22 **PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS**
23 **THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED**
24 **CRITICAL**

25
26 [SECTION 1.1 is omitted]

27
28 **NORTH CAROLINA AGRICULTURAL HALL OF FAME BOARD OF DIRECTORS**

29 **SECTION 1.2.(a)** G.S. 106-568.14 and G.S. 106-568.15 are repealed.

30 **SECTION 1.2.(b)** G.S. 106-568.16 reads as rewritten:

31 **"§ 106-568.16. Admission of candidates to Hall of Fame.**

32 The ~~said board~~ Board of Agriculture is hereby empowered to formulate rules and regulations
33 governing acceptance and admission of candidates to ~~said the~~ North Carolina Agricultural Hall
34 of Fame, provided that no name shall be accepted until an authentic and written record of



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1 achievements of said person in agricultural activities shall have been presented to and accepted
2 by a majority vote of said board created by this Article, and provided that both men and women
3 are eligible for recognition."

4 **SECTION 1.2.(c)** G.S. 106-568.17 reads as rewritten:

5 **"§ 106-568.17. Acceptance of gifts, devises, and awards; display thereof.**

6 The ~~said board~~ Board of Agriculture is ~~hereby~~ empowered to accept and receive gifts,
7 devises, and awards which are to become the sole property of ~~said the~~ North Carolina
8 Agricultural Hall of Fame and are to be kept in a proper manner in a suitable room or hall in
9 some state-owned building in Raleigh, provided that duplicates of ~~such~~ gifts, devises, and
10 awards may be displayed in a suitable room or hall in the School of Agriculture of the North
11 Carolina State College of Agriculture and Engineering at Raleigh, North Carolina."

12 **AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION**

13 **SECTION 1.3.** Article 19 of Chapter 120 of the General Statutes, G.S. 120-150
14 through G.S. 120-154, and G.S. 143-318.14A(a)(15) are repealed.

15 **AMERICA'S FOUR HUNDREDTH ANNIVERSARY COMMISSION**

16 **SECTION 1.4.(a)** Part 13 of Article 2 of Chapter 143B of the General Statutes,
17 G.S. 143B-85 and G.S. 143B-86, and G.S. 143B-51(b)(15) are repealed.

18 **SECTION 1.4.(b)** G.S. 143B-53 reads as rewritten:

19 **"§ 143B-53. Organization of the Department.**

20 The Department of Cultural Resources shall be organized initially to include the Art
21 Commission, the Art Museum Building Commission, the North Carolina Historical
22 Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission,
23 the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the
24 American Revolution Bicentennial Committee, the North Carolina Awards Committee, ~~the~~
25 ~~America's Four Hundredth Anniversary Committee~~, the North Carolina Arts Council, the
26 Public Librarian Certification Commission, the State Library Commission, the North Carolina
27 Symphony Society, Inc., the North Carolina State Art Society, and the Division of the State
28 Library, the Division of Archives and History, the Division of the Arts, and such other
29 divisions as may be established under the provisions of the Executive Organization Act of
30 1973."
31
32
33

34 **COMMISSION OF ANATOMY**

35 **SECTION 1.5.(a)** Part 1 of Article 1B of Chapter 130A of the General Statutes,
36 except G.S. 130A-33.22, is repealed.

37 **SECTION 1.5.(b)** G.S. 130A-29 reads as rewritten:

38 **"§ 130A-29. Commission for Public Health – Creation, powers and duties.**

39 (a) The Commission for Public Health is created with the authority and duty to adopt
40 rules to protect and promote the public health.

41 (b) The Commission is authorized to adopt rules necessary to implement the public
42 health programs administered by the Department as provided in this Chapter.

43 (c) The Commission shall adopt rules:

44 ...

45 (11) Pertaining to the distribution of dead human bodies and parts thereof for the
46 purpose of promoting the study of anatomy in the State of North Carolina.
47 The Commission is authorized to receive dead bodies pursuant to
48 G.S. 130A-412.13 and to be a donee of a body or parts thereof pursuant to
49 Part 3A of Article 16 of Chapter 130A of the General Statutes known as the
50 Revised Uniform Anatomical Gift Act and to distribute such bodies or parts
51 thereof pursuant to the rules adopted by the Commission.

- 1 (d) The Commission is authorized to create:
- 2 (1) Metropolitan water districts as provided in G.S. 162A-33;
- 3 (2) Sanitary districts as provided in Part 2 of Article 2 of this Chapter; and
- 4 (3) Mosquito control districts as provided in Part 2 of Article 12 of this Chapter.
- 5 (e) Rules adopted by the Commission shall be enforced by the Department."

6 **SECTION 1.5.(c)** G.S. 130A-33.32 is recodified as G.S. 130A-33.1 and reads as
7 rewritten:

8 "**§ 130A-33.1. Commission of ~~Anatomy~~for Public Health – Reference to former Board of**
9 **Anatomy in testamentary disposition.**

10 A testamentary disposition of a body or part thereof to the former Board of Anatomy shall
11 be deemed in all respects to be a disposition to the Commission of ~~Anatomy~~for Public Health."

12 **SECTION 1.5.(d)** G.S. 130A-398 reads as rewritten:

13 "**§ 130A-398. Limitation on right to perform autopsy.**

14 The right to perform an autopsy shall be limited to those cases in which:

15 ...

- 16 (2) The Commission of ~~Anatomy~~for Public Health, acting pursuant to
17 G.S. 130A-415, has given written consent for an autopsy to be performed on
18 an unclaimed body;

19"

20 **SECTION 1.5.(e)** G.S. 130A-412.13 reads as rewritten:

21 "**§ 130A-412.13. Persons that may receive anatomical gift; purpose of anatomical gift.**

22 (a) An anatomical gift may be made to the following persons named in the document of
23 gift:

- 24 (1) A hospital; accredited medical school, dental school, college, or university;
25 organ procurement organization; or other appropriate person, including the
26 Commission on ~~Anatomy~~for Public Health, for research or education;
- 27 (2) Subject to subsection (b) of this section, an individual designated by the
28 person making the anatomical gift if the individual is the recipient of the
29 body part;
- 30 (3) An eye bank or tissue bank.

31"

32 **SECTION 1.5.(f)** G.S. 130A-415 reads as rewritten:

33 "**§ 130A-415. Unclaimed bodies; bodies claimed by the Lifeguardianship Council of the**
34 **Association for Retarded Citizens of North Carolina; disposition.**

35 (a) Any person, including officers, employees and agents of the State or of any unit of
36 local government in the State, undertakers doing business within the State, hospitals, nursing
37 homes or other institutions, having physical possession of a dead body shall make reasonable
38 efforts to contact relatives of the deceased or other persons who may wish to claim the body for
39 final disposition. If the body remains unclaimed for final disposition for 10 days, the person
40 having possession shall notify the Commission of ~~Anatomy~~for Public Health. Upon request of
41 the Commission of ~~Anatomy~~for Public Health, the person having possession shall deliver the
42 dead body to the Commission of ~~Anatomy~~for Public Health at a time and place specified by the
43 Commission of ~~Anatomy~~for Public Health or shall permit the Commission of ~~Anatomy~~
44 Public Health to take and remove the body.

45 (b) All dead bodies not claimed for final disposition within 10 days of the decedent's
46 death may be received and delivered by the Commission of ~~Anatomy~~for Public Health pursuant
47 to the authority contained in ~~G.S. 130A-33.30~~G.S. 130A-29 and this Part and in accordance
48 with the rules of the Commission of ~~Anatomy~~for Public Health. Upon receipt of a body by the
49 Commission of ~~Anatomy~~for Public Health all interests in and rights to the unclaimed dead body
50 shall vest in the Commission of ~~Anatomy~~for Public Health. The recipient to which the
51 Commission of ~~Anatomy~~for Public Health delivers the body shall pay all expenses for the

1 embalming and delivery of the body, and for the reasonable expenses arising from efforts to
2 notify relatives or others.

3 (b1) The 10-day period referenced in subsections (a) and (b) of this section may be
4 shortened by the county director of social services upon determination that a dead body will not
5 be claimed for final disposition within the 10-day period.

6 (c) Should the Commission of ~~Anatomy~~for Public Health decline to receive a dead
7 body, the person with possession shall inform the director of social services of the county in
8 which the body is located. The director of social services of that county shall arrange for
9 prompt final disposition of the body, either by cremation or burial. Reasonable costs of
10 disposition and of efforts made to notify relatives and others shall be considered funeral
11 expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-8. If those
12 expenses cannot be satisfied from the decedent's estate, they shall be borne by the decedent's
13 county of residence. If the deceased is not a resident of this State, or if the county of residence
14 is unknown, those expenses shall be borne by the county in which the death occurred.

15 (d) No autopsy shall be performed on an unclaimed body without the written consent of
16 the Commission of ~~Anatomy~~for Public Health except that written consent is not required for an
17 autopsy performed pursuant to Part 2 of this Article.

18 (e) Due caution shall be taken to shield the unclaimed body from public view.

19 (f) Notwithstanding anything contained in this section, an unclaimed body shall not
20 mean a dead body for which the deceased has made a gift pursuant to Part 3A of this Article.

21 (g) Nothing in this Part shall require the officers, employees or agents of a county to
22 notify the Commission of ~~Anatomy~~for Public Health regarding the bodies of minors who were
23 in the custody of the county at the time of death and whose final disposition will be arranged by
24 the county. In the absence of notification, the expenses of the final disposition shall be a charge
25 upon the county having custody.

26 (h) The provisions of this Part shall not apply to bodies within the jurisdiction of the
27 medical examiner under G.S. 130A-383 or 130A-384.

28 (i) In addition to the other duties of the Commission of ~~Anatomy~~for Public Health,
29 when the Commission of ~~Anatomy~~for Public Health is notified by the Lifeguardianship Council
30 of the Association of Retarded Citizens of North Carolina, Inc., that the Council intends to
31 claim a body, the Commission shall release the body to the Council. The Lifeguardianship
32 Council shall notify the Commission of ~~Anatomy~~for Public Health within 24 hours after death
33 of its intent to claim a body for burial or other humane and caring disposition."

34 **SECTION 1.5.(g)** G.S. 130A-416 reads as rewritten:

35 "**§ 130A-416. Commission of ~~Anatomy~~for Public Health rules.**

36 The Commission of ~~Anatomy~~for Public Health is authorized to adopt rules necessary to
37 implement the provisions of this Part."

38 **SECTION 1.5.(h)** G.S. 130A-418 reads as rewritten:

39 "**§ 130A-418. Deceased migrant agricultural workers and their dependents.**

40 ...

41 (b) If the identity of the person cannot be determined within a reasonable period of
42 time, or if the body is unclaimed 10 days after death, the body shall be offered to the
43 Commission of ~~Anatomy~~for Public Health and, upon its request, shall be delivered to the
44 Commission of ~~Anatomy~~for Public Health. If the Commission of ~~Anatomy~~for Public Health
45 does not request an unclaimed body offered it or the estate, and if the relatives or other
46 interested persons claiming the body are unable to provide for the final disposition of the
47 migrant agricultural worker or dependent, the Department is authorized and directed to arrange
48 for the final disposition of the decedent.

49"

50 **SECTION 1.5.(i)** G.S. 143B-138.1 reads as rewritten:

51 "**§ 143B-138.1. Department of Health and Human Services – functions and organization.**

1 ...
2 (d) All functions, powers, duties, and obligations previously vested in the following
3 commissions, boards, councils, committees, or subunits of the Department of Environment,
4 Health, and Natural Resources are transferred to and vested in the Department of Health and
5 Human Services by a Type II transfer, as defined in G.S. 143A-6:

- 6 (1) Commission for Public Health.
- 7 (2) Council on Sickle Cell Syndrome.
- 8 (3) Repealed by Session Laws 2011-266, s. 1.30(b), effective July 1, 2011.
- 9 (4) ~~Commission of Anatomy.~~
- 10 (5) Minority Health Advisory Council.
- 11 (6) Advisory Committee on Cancer Coordination and Control.

12"

13 14 **NORTH CAROLINA APPRENTICESHIP COUNCIL**

15 **SECTION 1.6.(a)** Chapter 94 of the General Statutes reads as rewritten:

16 **"Chapter 94.**

17 **"Apprenticeship.**

18 **"§ 94-1. Purpose.**

19 The purposes of this Chapter are: to open to young people the opportunity to obtain training
20 that will equip them for profitable employment and citizenship; to set up, as a means to this
21 end, a program of voluntary apprenticeship under approved apprentice agreements providing
22 facilities for their training and guidance in the arts and crafts of industry and trade, with parallel
23 instruction in related and supplementary education; to promote employment opportunities for
24 young people under conditions providing adequate training and reasonable earnings; to relate
25 the supply of skilled workers to employment demands; to establish standards for apprentice
26 training; to establish an ~~Apprenticeship Council~~ and apprenticeship committees and sponsors to
27 assist in effectuating the purposes of this Chapter; to provide for a Director of Apprenticeship
28 within the Department of Labor; to provide for reports to the legislature and to the public
29 regarding the status of apprentice training in the State; to establish a procedure for the
30 determination of apprentice agreement controversies; and to accomplish related ends.

31 ~~"§ 94-2. Apprenticeship Council.~~

32 ~~The Commissioner of Labor shall appoint an Apprenticeship Council composed of four~~
33 ~~representatives each from employer and employee organizations respectively and three~~
34 ~~representatives from the public at large. One State official designated by the Department of~~
35 ~~Public Instruction and one State official designated by the Department of Community Colleges~~
36 ~~shall be a member ex officio of said council, without vote. The terms of office of the members~~
37 ~~of the Apprenticeship Council first appointed by the Commissioner of Labor shall expire as~~
38 ~~designated by the Commissioner at the time of making the appointment: two representatives~~
39 ~~each of employers and employees, being appointed for one year and one representative of the~~
40 ~~public at large being appointed for two years; and one representative each of employers,~~
41 ~~employees, and the public at large being appointed for a term of three years. Any member~~
42 ~~appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall~~
43 ~~be appointed for the remainder of said term. Each member of the Council not otherwise~~
44 ~~compensated by public moneys, shall be reimbursed for transportation and shall receive such~~
45 ~~per diem compensation as is provided generally for boards and commissions under the biennial~~
46 ~~maintenance appropriation acts for each day spent in attendance at meetings of the~~
47 ~~Apprenticeship Council. The Commissioner of Labor shall annually appoint one member of the~~
48 ~~Council to act as its chairman.~~

49 ~~The Apprenticeship Council shall meet at the call of the Commissioner of Labor and shall~~
50 ~~aid him in formulating policies for the effective administration of this Chapter. Subject to the~~
51 ~~approval of the Commissioner, the Apprenticeship Council shall establish standards for~~

1 apprentice agreement which in no case shall be lower than those prescribed by this Chapter,
2 shall issue such rules and regulations as may be necessary to carry out the intent and purposes
3 of said Chapter, and shall perform such other functions as the Commissioner may direct. Not
4 less than once a year the Apprenticeship Council shall make a report through the
5 Commissioner of Labor of its activities and findings to the legislature and to the public.

6 **"§ 94-3. Director of Apprenticeship.**

7 The Commissioner of Labor is hereby directed to appoint a Director of Apprenticeship
8 which appointment shall be subject to the confirmation of the State Apprenticeship Council by
9 a majority vote. Apprenticeship. The Commissioner of Labor is further authorized to appoint
10 and employ such clerical, technical, and professional help as shall be necessary to effectuate the
11 purposes of this Chapter.

12 **"§ 94-4. Powers and duties of Director of Apprenticeship.**

13 The Director, under the supervision of the Commissioner of Labor ~~and with the advice and~~
14 ~~guidance of the Apprenticeship Council~~ is authorized to administer the provisions of this
15 Chapter; in cooperation with the ~~Apprenticeship Council~~ and apprenticeship committees and
16 sponsors, to set up conditions and training standards for apprentice agreements, which
17 conditions or standards shall in no case be lower than those prescribed by this Chapter; ~~to act as~~
18 ~~secretary of the Apprenticeship Council~~; to approve ~~for the Council~~ if in his opinion approval is
19 for the best interest of the apprenticeship any apprentice agreement which meets the standards
20 established under this Chapter; to terminate or cancel any apprentice agreement in accordance
21 with the provisions of such agreement; to keep a record of apprentice agreements and their
22 disposition; to issue certificates of completion of apprenticeship; and to perform such other
23 duties as are necessary to carry out the intent of this Chapter, including other on-job training
24 necessary for emergency and critical civilian production: Provided, that the administration and
25 supervision of related and supplemental instruction for apprentices, coordination of instruction
26 with job experiences, and the selection and training of teachers and coordinators for such
27 instruction shall be the responsibility of State and local boards responsible for vocational
28 education."

29 **"§ 94-5. Apprenticeship committees and program sponsors.**

30 (a) As used in this Chapter:

31 ...

32 (5) "Apprenticeship committee" means those persons designated by the sponsor,
33 and approved by the ~~Apprenticeship Council~~, Commissioner of Labor to act
34 for it in the administration of the apprenticeship program. A committee may
35 be "joint," i.e., it is composed of an equal number of representatives of the
36 employer(s) and of the employees represented by a bona fide collective
37 bargaining agent(s) and has been established to conduct, operate or
38 administer an apprenticeship program and enter into apprenticeship
39 agreements with apprentices. A committee may be "unilateral" or "nonjoint"
40 which shall mean a program sponsor in which employees or a bona fide
41 collective bargaining agent is not a party.

42 (b) An apprenticeship committee may be appointed by the ~~Apprenticeship~~
43 ~~Council~~, Commissioner of Labor in any trade or group of trades in a city or trade area, whenever
44 the apprentice training needs of such trade or group of trades justifies such establishment.

45 ...

46 **"§ 94-6. Definition of an apprentice.**

47 The term "apprentice," as used herein, shall mean a person at least 16 years of age who is
48 covered by a written apprenticeship agreement approved by the ~~Apprenticeship~~
49 ~~Council~~, Commissioner of Labor, which apprenticeship agreement provides for not less than
50 2,000 hours of reasonably continuous employment for such person for his participation in an
51 approved schedule of work experience and for organized, related supplemental instruction in

1 technical subjects related to the trade. A minimum of 144 hours of related supplemental
2 instruction for each year of apprenticeship is recommended. The required hours for
3 apprenticeship agreements and the recommended hours for related supplemental instruction
4 may be decreased or increased in accordance with standards adopted by the apprenticeship
5 committee or sponsor, subject to approval of the Commissioner of Labor.

6 **"§ 94-7. Contents of agreement.**

7 Every apprentice agreement entered into under this Chapter shall contain:

- 8 ...
9 (8) A provision that all controversies or differences concerning the apprentice
10 agreement which cannot be adjusted locally ~~in accordance with G.S. 94-5~~
11 shall be submitted to the Director for determination.

12"

13 **SECTION 1.6.(b)** G.S. 143A-71 is repealed.

14
15 **NORTH CAROLINA ART SOCIETY, INC.**

16 **SECTION 1.7.(a)** Effective October 1, 2012, G.S. 105-275(41) is repealed.

17 **SECTION 1.7.(b)** Effective October 1, 2012, G.S. 135-27 reads as rewritten:

18 **"§ 135-27. Transfers from State to certain association service.**

19 ...
20 (d) The governing board of any association or organization listed in subsection (a), in
21 its discretion, may elect on or before July 1, 1983, by an appropriate resolution of said board, to
22 cause the employees of such association or organization so employed prior to July 1, 1983, to
23 become members of the Teachers' and State Employees' Retirement System. Such Retirement
24 System coverage shall be conditioned on such association's or organization's paying all of the
25 employer's contributions or matching funds from funds of the association or organization and
26 on such board's collecting from its employees the employees' contributions at such rates as may
27 be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of
28 such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive
29 coverage of the employees of any such association or organization may also be effected to the
30 extent that such board requests; provided, the association or organization shall pay all of the
31 employer's contributions or matching funds necessary for such purposes; and, provided further,
32 such association or organization shall collect from its employees all employees' contributions
33 necessary for such purpose, computed at such rates and in such amount as the Board of
34 Trustees of the Retirement System shall determine, all of such funds to be paid to the
35 Retirement System, together with such interest as may be due, and placed in the appropriate
36 funds. The provisions of this subsection shall be fully applicable to the North Carolina
37 Symphony Society, Inc. and the North Carolina State Art Society, Inc.

38"

39 **SECTION 1.7.(c)** Effective October 1, 2012, Article 3 of Chapter 140 of the
40 General Statutes, G.S. 143B-51(7), and Part 15 of Article 2 of Chapter 143B of the General
41 Statutes are repealed.

42 **SECTION 1.7.(d)** Effective October 1, 2012, G.S. 143B-53, as amended by
43 Section 1.4(b) of this act, reads as rewritten:

44 **"§ 143B-53. Organization of the Department.**

45 The Department of Cultural Resources shall be organized initially to include the Art
46 Commission, the Art Museum Building Commission, the North Carolina Historical
47 Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission,
48 the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the
49 American Revolution Bicentennial Committee, the North Carolina Awards Committee, the
50 North Carolina Arts Council, the Public Librarian Certification Commission, the State Library
51 Commission, the North Carolina Symphony Society, Inc., ~~the North Carolina State Art Society,~~

1 and the Division of the State Library, the Division of Archives and History, the Division of the
2 Arts, and such other divisions as may be established under the provisions of the Executive
3 Organization Act of 1973."
4

5 [SECTION 1.8 is omitted]
6

7 **BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE**

8 **SECTION 1.9.** Sections 3 and 4 of S.L. 2003-404 are repealed.
9

10 **NORTH CAROLINA CAPITAL PLANNING COMMISSION**

11 **SECTION 1.10.** Part 3 of Article 9 of Chapter 143B of the General Statutes,
12 G.S. 143B-373 and G.S. 143B-374, is repealed.
13

14 **NORTH CAROLINA CENTER FOR NURSING**

15 **SECTION 1.11.(a)** G.S. 90-171.71 reads as rewritten:

16 "**§ 90-171.71. North Carolina Center for Nursing; governing board.**Nursing.

17 (a) ~~The North Carolina Center for Nursing shall be governed by a policy-setting board~~
18 ~~of directors. The Board shall consist of 16 members, with a simple majority of the Board being~~
19 ~~nurses representative of various practice areas. Other members shall include representatives of~~
20 ~~other health care professions, business and industry, health care providers, and consumers. The~~
21 ~~Board shall be appointed as follows:~~

22 (1) ~~Four members appointed by the General Assembly upon recommendation of~~
23 ~~the President Pro Tempore of the Senate, at least one of whom shall be a~~
24 ~~registered nurse and at least one other a representative of the hospital~~
25 ~~industry;~~

26 (2) ~~Four members appointed by the General Assembly upon the~~
27 ~~recommendation of the Speaker of the House of Representatives, at least one~~
28 ~~of whom shall be a registered nurse and at least one other a representative of~~
29 ~~the long-term care industry;~~

30 (3) ~~Four members appointed by the Governor, two of whom shall be registered~~
31 ~~nurses; and~~

32 (4) ~~Four nurse educators, one of whom shall be appointed by the Board of~~
33 ~~Governors of The University of North Carolina, one other by the State Board~~
34 ~~of Community Colleges, one other by the North Carolina Association of~~
35 ~~Independent Colleges and Universities, and one by the Area Health~~
36 ~~Education Centers Program.~~

37 (b) ~~The initial terms of the members shall be as follows:~~

38 (1) ~~Of the members appointed pursuant to subdivision (1) of subsection (a) of~~
39 ~~this section, two shall be appointed for terms expiring June 30, 1994, one for~~
40 ~~a term expiring June 30, 1993, and one for a term expiring June 30, 1992;~~

41 (2) ~~Of the members appointed pursuant to subdivision (2) of subsection (a) of~~
42 ~~this section, one shall be appointed for a term expiring June 30, 1994, two~~
43 ~~for terms expiring June 30, 1993, and one for a term expiring June 30, 1992;~~

44 (3) ~~Of the members appointed pursuant to subdivision (3) of subsection (a) of~~
45 ~~this section, one shall be appointed for a term expiring June 30, 1994, one~~
46 ~~for a term expiring June 30, 1993, and two for terms expiring June 30, 1992;~~
47 ~~and~~

48 (4) ~~Of the members appointed pursuant to subdivision (4) of subsection (a) of~~
49 ~~this section, the terms of the members appointed by the Board of Governors~~
50 ~~of The University of North Carolina and the State Board of Community~~
51 ~~Colleges shall expire June 30, 1994; the term of the member appointed by~~

1 the North Carolina Association of Independent Colleges shall expire June
2 30, 1993; and the term of the member appointed by the Area Health
3 Education Centers Program shall expire June 30, 1992.

4 After the initial appointments expire, the terms of all of the members shall be three years, with
5 no member serving more than two consecutive terms.

6 (e) The Board of Directors shall have the following powers and duties:

7 (1) To employ the executive director;

8 (2) To determine operational policy;

9 (3) To elect a chairperson and officers, to serve two year terms. The chairperson
10 and officers may not succeed themselves;

11 (4) To establish committees of the Board as needed;

12 (5) To appoint a multidisciplinary advisory council for input and advice on
13 policy matters;

14 (6) To implement the major functions of the Center for Nursing as established in
15 the goals set out in subsection (a) of this section; and

16 (7) To seek and accept non-State funds for carrying out Center policy.

17 (d) The Board shall receive the per diem and allowances prescribed by G.S. 138-5 for
18 State boards and commissions.

19 (e) The North Carolina Center for Nursing shall be administered by The University of
20 North Carolina through the Center's Board of Directors established under this
21 section. Carolina."

22 **SECTION 1.11.(b)** G.S. 126-5 reads as rewritten:

23 **"§ 126-5. Employees subject to Chapter; exemptions.**

24 ...

25 (c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this
26 Chapter shall not apply to:

27 ...

28 (16) The executive director and one associate director of the North Carolina
29 Center for Nursing established under Article 9F of Chapter 90 of the General
30 Statutes.

31 "

32 **SECTION 1.11.(c)** The University of North Carolina shall report to the General
33 Assembly annually beginning on January 1, 2013, on the continuing nursing shortage in the
34 State and the measures taken to address this issue.

35 36 **NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL**

37 **SECTION 1.12.** G.S. 143B-432(c)(1), G.S. 143B-433(2)b., and Part 2A of Article
38 10 of Chapter 143B of the General Statutes, G.S. 143B-437.1 through G.S. 143B-437.3, are
39 repealed.

40 41 **CONTINUING EDUCATION ADVISORY COMMITTEE**

42 **SECTION 1.13.** G.S. 58-33-135 is repealed.

43 44 **NORTH CAROLINA BOARD OF CORRECTION**

45 **SECTION 1.14.(a)** Subpart B of Article 13 of Chapter 143B of the General
46 Statutes, G.S. 143B-715, is repealed.

47 **SECTION 1.14.(b)** G.S. 143B-711 reads as rewritten:

48 **"§ 143B-711. Division of Adult Correction of the Department of Public Safety –**
49 **organization.**

50 The Division of Adult Correction of the Department of Public Safety shall be organized
51 initially to include the Post-Release Supervision and Parole Commission, ~~the Board of~~

1 ~~Correction~~, the Section of Prisons of the Division of Adult Correction, the Division of Adult
2 Probation and Parole, and such other divisions as may be established under the provisions of
3 the Executive Organization Act of 1973.

4 The Division shall establish a Substance Abuse Program. All substance abuse programs
5 established or in existence shall be administered by the Division of Adult Correction of the
6 Department of Public Safety under the Substance Abuse Program."
7

8 **NORTH CAROLINA COURTS COMMISSION**

9 **SECTION 1.15.(a)** Article 40A of Chapter 7A of the General Statutes,
10 G.S. 7A-506 through G.S. 7A-510, is repealed.

11 **SECTION 1.15.(b)** G.S. 15A-266.5 reads as rewritten:
12 **"§ 15A-266.5. Tests to be performed on DNA sample.**

13 ...
14 (d) The Department of Justice, in consultation with the Administrative Office of the
15 Courts and the Conference of District Attorneys, shall study, develop, and recommend an
16 automated procedure to facilitate the process of expunging DNA samples and records taken
17 pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on
18 Governmental Operations, and the Joint Legislative Oversight Committee on Justice and Public
19 Safety, and the Courts Commission, on or before February 1, 2011."
20

21 **COMMITTEE ON DROPOUT PREVENTION**

22 **SECTION 1.16.** Article 6B of Chapter 115C of the General Statutes,
23 G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.
24

25 **SECRETARY OF STATE'S ADVISORY COUNCIL ON ELECTRONIC NOTARY** 26 **STANDARDS**

27 **SECTION 1.17.** The Secretary of State shall abolish the Advisory Council on
28 Electronic Notary Standards no later than 30 days after the effective date of this act.
29

30 **EMPLOYMENT SECURITY ADVISORY COUNCILS**

31 **SECTION 1.18.** G.S. 96-4 reads as rewritten:
32 **"§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.**

33 ...
34 (g) ~~Advisory Councils.~~—~~The State Advisory Council shall be composed of the~~
35 ~~Assistant Secretary and 15 persons representing employers, employees, and the general public,~~
36 ~~to be appointed as follows:~~

- 37 (1) ~~Five members appointed by the Governor.~~
38 (2) ~~Five members appointed by the President Pro Tempore of the Senate.~~
39 (3) ~~Five members appointed by the Speaker of the House of Representatives.~~

40 ~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory~~
41 ~~Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair.~~
42 ~~A quorum of the State Advisory Council shall consist of the chairman, or such appointed~~
43 ~~member as he may designate, plus one half of the total appointed members. The function of the~~
44 ~~Council shall be to aid the Division in formulating policies and discussing problems related to~~
45 ~~the administration of this Chapter. Each member of the State Advisory Council attending~~
46 ~~meetings of the Council shall be paid the same amount per diem for his or her services as is~~
47 ~~provided for the members of other State boards, commissions, and committees who receive~~
48 ~~compensation for their services, including necessary time spent in traveling to and from his~~
49 ~~place of residence within the State to the place of meeting while engaged in the discharge of the~~
50 ~~duties of his office, and his actual mileage and subsistence at the same rate allowed to State~~
51 ~~officials.~~

1 (h) Employment Stabilization. – The Secretary of Commerce, in consultation with the
2 Assistant Secretary and with the advice and aid of the advisory councils, ~~Secretary~~, shall take all
3 appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption
4 of practical methods of vocational training, retraining and vocational guidance; to investigate,
5 recommend, advise, and assist in the establishment and operation, by municipalities, counties,
6 school districts, and the State, of reserves for public works to be used in times of business
7 depression and unemployment; to promote the reemployment of unemployed workers
8 throughout the State in every other way that may be feasible; and to these ends to carry on and
9 publish the results of investigations and research studies.

10"

11 12 **NORTH CAROLINA FARMWORKER COUNCIL**

13 **SECTION 1.19.** Part 26 of Article 9 of Chapter 143B of the General Statutes,
14 G.S. 143B-426.25 and G.S. 143B-426.26, is repealed.

15 16 **NORTH CAROLINA HOUSING COORDINATION AND POLICY COUNCIL**

17 **SECTION 1.20.(a)** G.S. 122A-5.10 through G.S. 122A-5.12 are repealed.

18 **SECTION 1.20.(b)** G.S. 122E-4 reads as rewritten:

19 **"§ 122E-4. North Carolina Housing Partnership created; compensation; organization.**

20 ...

21 (f) The Partnership shall have the following powers and duties:

22 (1) To promulgate rules and regulations governing all policy matters relating to
23 the implementation of all programs for uses of the Fund and the Partnership's
24 oversight of the Agency's administration of the Fund.

25 (2) To promote the development of a coordinated State low income housing
26 plan.

27 (2a) To advise the Governor regarding the coordination of various public and
28 private low- and moderate-income housing programs.

29 (2b) To advise the Governor in the preparation of an overall, comprehensive State
30 housing plan with specific recommendations to address identified areas of
31 need.

32 (2c) To advise the Governor with respect to the best use of housing resources.

33 (3) To obtain necessary information from other State agencies concerning
34 housing; and housing.

35 (4) To allocate monies contained in the Fund.

36 ..."

37 38 **GOVERNOR'S MANAGEMENT COUNCIL**

39 **SECTION 1.21.** Part 24 of Article 9 of Chapter 143B of the General Statutes,
40 G.S. 143B-426.22, is repealed.

41 42 **LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE**

43 **SECTION 1.22.(a)** Article 25A of Chapter 120 of the General Statutes,
44 G.S. 120-226, is repealed.

45 **SECTION 1.22.(b)** G.S. 90-113.64 reads as rewritten:

46 **"§ 90-113.64. SBI annual report.**

47 Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine
48 the number of methamphetamine laboratories discovered in the State each calendar year and
49 report its findings to the ~~Legislative Commission on Methamphetamine Abuse~~ Joint Legislative
50 Oversight Committee on Justice and Public Safety by March 1, 2012, for the 2011 calendar
51 year and each March 1 thereafter for the preceding calendar year. The State Bureau of

1 Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program,
2 assist in coordinating the drug control efforts between local and State law enforcement
3 agencies, and monitor the implementation and effectiveness of the electronic record-keeping
4 requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its
5 findings in the report to the Commission required by this section."

6 **SECTION 1.22.(c)** G.S. 114-19.01 reads as rewritten:

7 "**§ 114-19.01. Study and report on use of pseudoephedrine products to make**
8 **methamphetamine.**

9 The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine
10 products to make methamphetamine, including any data on the use of particular
11 pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed,
12 and other relevant information, and report annually to the Commission for Mental Health,
13 Developmental Disabilities, and Substance Abuse Services, ~~the Legislative Commission on~~
14 ~~Methamphetamine Abuse,~~ and the ~~Joint Governmental Operations Subcommittee on~~Joint
15 Legislative Oversight Committee on Justice and Public Safety."

16 17 **MINE SAFETY AND HEALTH ADVISORY COUNCIL**

18 **SECTION 1.23.(a)** G.S. 74-24.2(2) and G.S. 74-24.6 are repealed.

19 **SECTION 1.23.(b)** G.S. 74-24.4 reads as rewritten:

20 "**§ 74-24.4. Safety and health standards.**

21 (a) The Commissioner shall develop, adopt, revise, and promulgate safety and health
22 standards for the purpose of the protection of life, the promotion of safety and health, and the
23 prevention of "accidents" in mines which are subject to this Article. In the development of
24 safety and health standards, the Commissioner shall consult with ~~the Advisory Council,~~
25 interested federal agencies, appropriate representatives of other State agencies, appropriate
26 representatives of mine operators and miners, and other interested persons and organizations
27 whose participation would further the purposes of this Article.

28"

29 30 **MOTOR VEHICLE DEALER'S ADVISORY BOARD**

31 **SECTION 1.24.(a)** G.S. 20-305.4 is repealed.

32 **SECTION 1.24.(b)** G.S. 20-305.5 reads as rewritten:

33 "**§ 20-305.5. Sections 20-305, subdivisions (4) through (28), and 20-305.1 to 20-305.4**
34 **through 20-305.3 not applicable to certain manufacturers and dealers.**

35 The provisions of G.S. 20-305(4) through G.S. 20-305(28) and 20-305.1 ~~to 20-305.4~~
36 through 20-305.3 shall not apply to manufacturers of, or dealers in, mobile or manufactured
37 type housing or recreational trailers."

38
39 [SECTIONS 1.25 and 1.26 are omitted]

40 41 **BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE** 42 **NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS**

43 **SECTION 1.27.(a)** G.S. 143B-426.8 reads as rewritten:

44 "**§ 143B-426.8. Definitions.**

45 As used in this Part, except where the context clearly requires otherwise:

46 ...

47 (2) "Board" means the Board of Public Telecommunications Commissioners.

48"

49 **SECTION 1.27.(b)** G.S. 143B-426.9 reads as rewritten:

1 "~~§ 143B-426.9. North Carolina Agency for Public Telecommunications—Creation;~~
2 ~~membership; appointments, terms and vacancies; officers; meetings and~~
3 ~~quorum; compensation.~~Telecommunications.

4 The North Carolina Agency for Public Telecommunications is created. ~~It is governed by the~~
5 ~~Board of Public Telecommunications Commissioners, composed of 26 members as follows:~~

- 6 (1) ~~A Chairman appointed by, and serving at the pleasure of, the Governor;~~
- 7 (2) ~~Ten at large members, appointed by the Governor from the general public;~~
- 8 (3) ~~Two members appointed by the General Assembly upon the~~
9 ~~recommendation of the Speaker of the House of Representatives in~~
10 ~~accordance with G.S. 120-121;~~
- 11 (4) ~~Two members appointed by the General Assembly upon the~~
12 ~~recommendation of the President Pro Tempore of the Senate in accordance~~
13 ~~with G.S. 120-121;~~
- 14 (5) ~~The Secretary of Administration, ex officio;~~
- 15 (6) ~~The Chairman of the Board of Trustees of The University of North Carolina~~
16 ~~Center for Public Television (if and when established), ex officio;~~
- 17 (7) ~~The Chairman of the State Board of Education, ex officio;~~
- 18 (8) ~~The Chairman of the OPEN/net Committee, ex officio, so long as such~~
19 ~~person is not a State employee;~~
- 20 (9) ~~The Chairman of the North Carolina Utilities Commission, ex officio;~~
- 21 (10) ~~The Director of the Public Staff of the North Carolina Utilities Commission,~~
22 ~~ex officio;~~
- 23 (11) ~~Repealed by Session Laws 2011-266, s. 1.13(b), effective July 1, 2011.~~
- 24 (12) ~~The Superintendent of Public Instruction, ex officio;~~
- 25 (13) ~~The President of the University of North Carolina, ex officio;~~
- 26 (14) ~~The President of the Community Colleges System, ex officio; and~~
- 27 (15) ~~Two members ex officio who shall rotate from among the remaining heads~~
28 ~~of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by~~
29 ~~the Governor.~~

30 ~~The 10 at large members shall serve for terms staggered as follows: four terms shall expire~~
31 ~~on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on~~
32 ~~June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and~~
33 ~~until their successors are appointed and qualified. In making appointments of members at large,~~
34 ~~the Governor shall seek to appoint persons from the various geographic areas of the State~~
35 ~~including both urban and rural areas; persons from various classifications as to sex, race, age,~~
36 ~~and handicapped persons; and persons who are representatives of the public broadcast,~~
37 ~~commercial broadcast, nonbroadcast distributive systems and private education communities of~~
38 ~~the State.~~

39 ~~The terms of the ex officio members are coterminous with their respective terms of office.~~
40 ~~In the event that any of the offices represented on the Board ceases to exist, the successor~~
41 ~~officer to the designated member shall become an ex officio member of the Board; if there shall~~
42 ~~be no successor, then the position on the Board shall be filled by a member to be appointed by~~
43 ~~the Governor from the general public. The ex officio members shall have the right to vote.~~

44 ~~The initial members appointed to the Board by the General Assembly shall serve for terms~~
45 ~~expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning~~
46 ~~July 1 of odd-numbered years.~~

47 ~~The terms of the rotating ex officio members shall be of one-year duration, and the schedule~~
48 ~~of rotation is determined by the Governor.~~

49 ~~Each State official who serves on the Board may designate a representative of his~~
50 ~~department, agency or institution to sit in his place on the Board and to exercise fully the~~
51 ~~official's privileges of membership.~~

1 ~~The Secretary of Administration or his designee serves as secretary of the Board.~~
2 ~~Vacancies in appointments made by the General Assembly shall be filled in accordance~~
3 ~~with G.S. 120-122. Other vacancies shall be filled in the same manner as the original~~
4 ~~appointment.~~

5 ~~The Governor may remove any member of the Board from office in accordance with the~~
6 ~~provisions of G.S. 143B-16.~~

7 ~~The Board meets quarterly and at other times at the call of the chairman or upon written~~
8 ~~request of at least six members.~~

9 ~~A majority of the Board members shall constitute a quorum for the transaction of business."~~

10 **SECTION 1.27.(c)** G.S. 143B-426.11 reads as rewritten:

11 **"§ 143B-426.11. Powers of Agency.**

12 In order to enable it to carry out the purposes of this Part, the Agency:

13 ...

14 (3) May rent, lease, buy, own, acquire, mortgage, or otherwise encumber and
15 dispose of such property, real or personal; and construct, maintain, equip and
16 operate any facilities, buildings, studios, equipment, materials, supplies and
17 systems as ~~said the~~ Board may deem proper to carry out the purposes and
18 provisions of this Part;

19 (4) May establish an office for the transaction of its business at such place or
20 places ~~as the Board deems advisable or necessary~~ in carrying out the
21 purposes of this Part;

22 ...

23 (7) Under such conditions ~~as the Board may deem~~ appropriate to the
24 accomplishment of the purposes of this Part, may distribute in the form of
25 grants, gifts, or loans any of the revenues and earnings received by the
26 Agency from its operations;

27 (8) May adopt, alter or repeal its own bylaws, rules and regulations governing
28 the manner in which its business may be transacted and in which the power
29 granted to it may be exercised, and may provide for the creation of such
30 divisions and for the appointment of such committees, and the functions
31 thereof, ~~as the Board deems necessary or expedient~~ in facilitating the
32 business and purposes of the Agency;

33 (9) ~~The Board shall be responsible for all management functions of the Agency.~~
34 ~~The chairman shall serve as the chief executive officer, and shall have the~~
35 ~~responsibility of executing the policies of the Board. The Executive Director~~
36 ~~shall be the chief operating and administrative officer and shall be~~
37 ~~responsible for carrying out the decisions made by the Board and its~~
38 ~~chairman. The Executive Director shall be appointed by the Governor upon~~
39 ~~the recommendation of the Board and shall serve at the pleasure of the~~
40 ~~Governor. The salary of the Executive Director shall be fixed by the General~~
41 ~~Assembly in the Current Operations Appropriations Act. Subject to the~~
42 ~~provisions of the State Personnel Act and with the approval of the Board, the~~
43 ~~Executive Director may appoint, employ, dismiss and fix the compensation~~
44 ~~of such professional, administrative, clerical and other employees as the~~
45 ~~Board deems necessary to carry out the purposes of this Part; but any~~
46 ~~employee who serves as the director of any division of the Agency which~~
47 ~~may be established by the Board shall be appointed with the additional~~
48 ~~approval of the Secretary of Administration. There shall be an executive~~
49 ~~committee consisting of three of the appointed members and three of the ex~~
50 ~~officio members elected by the Board and the chairman of the Board, who~~
51 ~~shall serve as chairman of the executive committee. The executive~~

1 ~~committee may do all acts which are authorized by the bylaws of the~~
2 ~~Agency. Members of the executive committee shall serve until their~~
3 ~~successors are elected;~~

4 "

5 **SECTION 1.27.(d)** G.S. 120-123(4) is repealed.

6
7 **BOARD OF DIRECTORS CERTIFICATION ENTITY FOR PHASE II SETTLEMENT**
8 **FUND CERTIFICATION BOARD**

9 **SECTION 1.28.** The Board of Directors Certification Entity for Phase II
10 Settlement Fund Certification Board, established pursuant to S.L. 1999-333, is abolished.

11
12 **NORTH CAROLINA SMALL BUSINESS CONTRACTOR AUTHORITY**

13 **SECTION 1.29.(a)** G.S. 143B-472.102 is repealed.

14 **SECTION 1.29.(b)** G.S. 143B-472.101 reads as rewritten:

15 "**§ 143B-472.101. Definitions.**

16 The following definitions apply in this Part:

17 (1) ~~Authority. — The North Carolina Small Business Contractor Authority~~
18 ~~created in this Part.~~

19 ...

20 (3a) Department. — The Department of Commerce.

21 "

22 **SECTION 1.29.(c)** G.S. 143B-472.103 reads as rewritten:

23 "**§ 143B-472.103. Eligibility.**

24 To qualify for assistance under this Part, an applicant must meet all of the following
25 requirements:

26 ...

27 (4) The applicant must demonstrate to the satisfaction of the
28 ~~Authority~~Department that it has been unable to obtain adequate financing or
29 bonding on reasonable terms through an authorized company. If the
30 applicant is applying for a guarantee of a loan, the applicant must have
31 applied for and been denied a loan by a financial institution."

32 **SECTION 1.29.(d)** G.S. 143B-472.104 reads as written:

33 "**§ 143B-472.104. Small Business Contract Financing Fund.**

34 (a) Creation and Use. — The Small Business Contract Financing Fund is created as a
35 special revenue fund. Revenue in the Fund does not revert at the end of a fiscal year, and
36 interest and other investment income earned by the Fund accrues to the Fund. The
37 ~~Authority~~Department shall use the Fund to make direct loans and guaranty payments required
38 by defaults and to pay the portion of the administrative expenses of the ~~Authority~~Department
39 related to making these loans and payments.

40 (b) Content. — The Small Business Contract Financing Fund consists of all of the
41 following revenue:

42 (1) Funds appropriated to the Fund by the State.

43 (2) Repayments of principal of and interest on direct loans.

44 (3) Premiums, fees, and any other amounts received by the
45 ~~Authority~~Department with respect to financial assistance provided by the
46 ~~Authority~~Department.

47 (4) Proceeds designated by the ~~Authority~~Department from the sale, lease, or
48 other disposition of property or contracts held or acquired by the ~~Authority~~Department.
49 Department.

50 (5) Investment income of the Fund.

51 (6) Any other moneys made available to the Fund."

1 **SECTION 1.29.(e)** G.S. 143B-472.105 reads as rewritten:

2 "**§ 143B-472.105. Contract performance assistance authorized.**

3 (a) Type. – The ~~Authority~~Department is authorized to provide the following contract
4 performance assistance:

5 (1) A guarantee of a loan made to the applicant.

6 (2) If the applicant demonstrates to the satisfaction of the ~~Authority~~Department
7 that it is unable to obtain money from any other source, a loan to the
8 applicant.

9 (b) Qualification. – The ~~Authority~~Department shall not lend money to an applicant or
10 guarantee a loan unless all of the following requirements are met:

11 (1) The applicant meets the requirements of G.S. 143B-472.78.

12 (2) The loan is to be used to perform an identified contract, of which the
13 majority of funding is provided by a government agency or a combination of
14 government agencies.

15 (3) The loan is to be used for working capital or equipment needed to perform
16 the contract, the cost of which can be repaid from contract proceeds, if the
17 ~~Authority~~Department has entered into an agreement with the applicant
18 necessary to secure the loan or guaranty.

19 (c) Terms and Conditions. – The ~~Authority~~Department shall set the terms and
20 conditions for loans and for the guarantee of loans. When the ~~Authority~~Department lends
21 money from the Small Business Contract Financing Fund, it shall prepare loan documents that
22 include all of the following:

23 (1) The rate of interest on the loan, which shall not exceed any applicable
24 statutory limit for a loan of the same type.

25 (2) A payment schedule that provides money to the applicant in the amounts and
26 at the times that the applicant needs the money to perform the contract for
27 which the loan is made.

28 (3) A requirement that, before each advance of money is released to the
29 applicant, the applicant and the ~~Authority~~Department must cosign the
30 request for the money.

31 (4) Provisions for repayment of the loan.

32 (5) Any other provision the ~~Authority~~Department considers necessary to secure
33 the loan, including an assignment of, or a lien on, payment under the
34 contract, if allowable.

35 (d) Maturity. – A loan made by the ~~Authority~~Department shall mature not later than the
36 date the applicant is to receive full payment under the identified contract, unless the
37 ~~Authority~~Department determines that a later maturity date is required to fulfill the purposes of
38 this Part.

39 (e) Diversity. – In selecting applicants for assistance, the ~~Authority~~Department must
40 consider the need to serve all geographic and political areas and subdivisions of the State.

41 (f) Limitation. – The total amount of loan guarantees and loans issued to each recipient
42 during a fiscal year shall not exceed fifteen percent (15%) of the amount of money in the Fund
43 as of the beginning of that fiscal year."
44

45 **JOINT LEGISLATIVE COMMISSION ON THE DEPARTMENT OF**
46 **TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND**
47 **WOMEN-OWNED BUSINESSES PROGRAM**

48 **SECTION 1.30.** Article 32 of Chapter 120 of the General Statutes, G.S. 120-275
49 through G.S. 120-279, is repealed.

50
51 **NORTH CAROLINA BRAIN INJURY ADVISORY COUNCIL**

1 **SECTION 1.31.** Effective June 30, 2019, Part 33 of Article 3 of Chapter 143B of
2 the General Statutes, G.S. 143B-216.65 and G.S. 143B-216.66, is repealed.

3
4 **NORTH CAROLINA CHILD FATALITY TASK FORCE**

5 **SECTION 1.32.(a)** G.S. 7B-1402, 7B-1403, and 7B-1412 are repealed.

6 **SECTION 1.32.(b)** G.S. 7B-1401 reads as rewritten:

7 **"§ 7B-1401. Definitions.**

8 The following definitions apply in this Article:

9 (1) Additional Child Fatality. – Any death of a child that did not result from
10 suspected abuse or neglect and about which no report of abuse or neglect
11 had been made to the county department of social services within the
12 previous 12 months.

13 (2) Local Team. – A Community Child Protection Team or a Child Fatality
14 Prevention Team.

15 (3) State Team. – The North Carolina Child Fatality Prevention Team.

16 ~~(4) Task Force. – The North Carolina Child Fatality Task Force.~~

17 (5) Team Coordinator. – The Child Fatality Prevention Team Coordinator."

18 **SECTION 1.32.(c)** G.S. 7B-1404 reads as rewritten:

19 **"§ 7B-1404. State Team – creation; membership; vacancies.**

20 (a) There is created the North Carolina Child Fatality Prevention Team within the
21 Department of Health and Human Services for budgetary purposes only.

22 (b) The State Team shall be composed of the following 11 members of whom nine
23 members are ex officio and two are appointed:

24 (1) The Chief Medical Examiner, who shall chair the State Team;

25 (2) The Attorney General;

26 (3) The Director of the Division of Social Services, Department of Health and
27 Human Services;

28 (4) The Director of the State Bureau of Investigation;

29 (5) The Director of the Division of Maternal and Child Health of the
30 Department of Health and Human Services;

31 (6) The Superintendent of Public Instruction;

32 (7) The Director of the Division of Mental Health, Developmental Disabilities,
33 and Substance Abuse Services, Department of Health and Human Services;

34 (8) The Director of the Administrative Office of the Courts;

35 ~~(9) The A pediatrician appointed pursuant to G.S. 7B-1402(b) to the Task
36 Force; by the Governor;~~

37 (10) A public member, appointed by the Governor; and

38 (11) The Team Coordinator.

39 The ex officio members other than the Chief Medical Examiner may designate a
40 representative from their departments, divisions, or offices to represent them on the State Team.

41 (c) All members of the State Team are voting members. Vacancies in the appointed
42 membership shall be filled by the appointing officer who made the initial appointment."

43 **SECTION 1.32.(d)** G.S. 7B-1405 reads as rewritten:

44 **"§ 7B-1405. State Team – duties.**

45 The State Team shall:

46 (1) Review current deaths of children when those deaths are attributed to child
47 abuse or neglect or when the decedent was reported as an abused or
48 neglected juvenile pursuant to G.S. 7B-301 at any time before death;

49 (2) Report to the ~~Task Force during the existence of the Task Force, in the
50 format and at the time required by the Task Force,~~ Department of Health and
51 Human Services on the State Team's activities and its recommendations for

1 changes to any law, rule, and policy that would promote the safety and
2 well-being of children;

3 (3) Upon request of a Local Team, provide technical assistance to the Team;

4 (4) Periodically assess the operations of the multidisciplinary child fatality
5 prevention system and make recommendations for changes as needed;

6 (5) Work with the Team Coordinator to develop guidelines for selecting child
7 deaths to receive detailed, multidisciplinary death reviews by Local Teams
8 that review cases of additional child fatalities; and

9 (6) Receive reports of findings and recommendations from Local Teams that
10 review cases of additional child fatalities and work with the Team
11 Coordinator to implement recommendations."

12 **SECTION 1.32.(e)** G.S. 7B-1413 reads as rewritten:

13 **"§ 7B-1413. Access to records.**

14 (a) ~~The State Team, Team and the Local Teams, and the Task Force during its~~
15 ~~existence, Teams~~ shall have access to all medical records, hospital records, and records
16 maintained by this State, any county, or any local agency as necessary to carry out the purposes
17 of this Article, including police investigations data, medical examiner investigative data, health
18 records, mental health records, and social services records. ~~The State Team, the Task~~
19 ~~Force, Team~~ and the Local Teams shall not, as part of the reviews authorized under this Article,
20 contact, question, or interview the child, the parent of the child, or any other family member of
21 the child whose record is being reviewed. Any member of a Local Team may share, only in an
22 official meeting of that Local Team, any information available to that member that the Local
23 Team needs to carry out its duties.

24 ...

25 (c) All otherwise confidential information and records acquired by the State ~~Team,~~
26 ~~Team and the Local Teams, and the Task Force during its existence, Teams~~ in the exercise of
27 their duties are confidential; are not subject to discovery or introduction into evidence in any
28 proceedings; and may only be disclosed as necessary to carry out the purposes of the State
29 ~~Team, Team and the Local Teams, and the Task Force, Teams.~~ In addition, all otherwise
30 confidential information and records created by a Local Team in the exercise of its duties are
31 confidential; are not subject to discovery or introduction into evidence in any proceedings; and
32 may only be disclosed as necessary to carry out the purposes of the Local Team. No member of
33 the State Team, a Local Team, nor any person who attends a meeting of the State Team or a
34 Local Team, may testify in any proceeding about what transpired at the meeting, about
35 information presented at the meeting, or about opinions formed by the person as a result of the
36 meetings. This subsection shall not, however, prohibit a person from testifying in a civil or
37 criminal action about matters within that person's independent knowledge.

38"

39 **SECTION 1.32.(f)** G.S. 7B-1414 reads as rewritten:

40 **"§ 7B-1414. Administration; funding.**

41 (a) To the extent of funds available, the ~~chairs of the Task Force and State Team~~ may
42 hire staff or consultants to assist ~~the Task Force and the State Team~~ in completing their duties.

43 (b) Members, staff, and consultants of the ~~Task Force or State Team~~ shall receive travel
44 and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the
45 case may be, paid from funds appropriated to implement this Article and within the limits of
46 those funds.

47 ~~With the approval of the Legislative Services Commission, legislative staff and~~
48 ~~space in the Legislative Building and the Legislative Office Building may be made available to~~
49 ~~the Task Force."~~

50 **SECTION 1.32.(g)** G.S. 7B-2902 reads as rewritten:

51 **"§ 7B-2902. Disclosure in child fatality or near fatality cases.**

(a) The following definitions apply in this section:

- ...
- (2) Findings and information. – A written summary, as allowed by subsections (c) through (f) of this section, of actions taken or services rendered by a public agency following receipt of information that a child might be in need of protection. The written summary shall include any of the following information the agency is able to provide:
 - a. The dates, outcomes, and results of any actions taken or services rendered.
 - b. The results of any review by the State Child Fatality Prevention Team, a local child fatality prevention team, a local community child protection team, ~~the Child Fatality Task Force~~, or any public agency.
 - c. Confirmation of the receipt of all reports, accepted or not accepted by the county department of social services, for investigation of suspected child abuse, neglect, or maltreatment, including confirmation that investigations were conducted, the results of the investigations, a description of the conduct of the most recent investigation and the services rendered, and a statement of basis for the department's decision.

...

(f) Access to criminal investigative reports and criminal intelligence information of public law enforcement agencies and confidential information in the possession of the State Child Fatality Prevention ~~Team, Team and the local teams, and the Child Fatality Task Force,~~ teams shall be governed by G.S. 132-1.4 and G.S. 7B-1413 respectively. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

SECTION 1.32.(h) This section becomes effective June 30, 2019.

JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE

SECTION 1.33. Effective June 30, 2019, Part 32 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.60, is repealed.

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

SECTION 1.34. For the following State boards, committees, and commissions where statutory requirements have been met, these bodies are no longer authorized to meet, provide recommendations, or operate in any capacity:

- (1) Legislative Task Force on Childhood Obesity, established pursuant to Part XLIX of S.L. 2009-574, as amended by Section 26 of S.L. 2010-152.
- (2) Commission to Study the Governance and Adequacy of the Investment Authority of Various State-Owned Funds for the Purposes of Enhancing the Return on Investments, established pursuant to Part XLVII of S.L. 2009-574, as amended by Section 23 of S.L. 2010-152.
- (3) "More at Four" Pre-K Task Force, established pursuant to Section 10.40(b) of S.L. 2003-284, as amended by Section 10.38 of S.L. 2004-124.
- (4) National Heritage Area Designation Commission, established pursuant to Part 18 of S.L. 2001-491.
- (5) Pilot Accreditation Advisory Board, established pursuant to Section 10.28B of S.L. 2004-124.
- (6) Public Funding Council of State Elections Commission, established pursuant to Section 26 of S.L. 2010-169.

- 1 (7) Legislative Commission on Global Climate Change, established pursuant to
2 Section 11 of S.L. 2005-442, as amended by S.L. 2006-73, S.L. 2008-81,
3 and S.L. 2009-306.

4 **SECTION 1.35.** Except as otherwise provided, this Part becomes effective June
5 30, 2012.

6 **PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS**

7 **SUBPART A. ADVISORY BOARDS**

8 **NORTH CAROLINA ARTS COUNCIL**

9 **SECTION 2.1.** Effective July 1, 2012, G.S. 143B-88 reads as rewritten:

10 **"§ 143B-88. North Carolina Arts Council – members; selection; quorum; compensation.**

11 (a) Membership and terms. – The North Carolina Arts Council shall consist of ~~24~~18
12 members appointed by the Governor. The initial members of the Council shall ~~be the appointed~~
13 ~~members of the present Arts Council who shall serve for a period equal to the remainder of~~
14 ~~their current terms on the Arts Council, eight of whose~~consist of six whose terms expire June
15 ~~30, 1973, eight~~June 30, 2014, six of whose terms expire June 30, 1974, June 30, 2015, and eight
16 ~~June 30, 1975.~~six of whose terms expire June 30, 1975, June 30, 2016. At the end of the respective terms of
17 office of the initial members, the appointments of their successors shall be for terms of three
18 years and until their successors are appointed and qualify. Any appointment to fill a vacancy on
19 the Council created by the resignation, dismissal, death, or disability of a member shall be for
20 the balance of the unexpired term.

21 (b) Removal. – The Governor shall have the power to remove any member of the
22 Council from office in accordance with the provisions of G.S. 143B-16 of the Executive
23 Organization Act of 1973.

24 (c) Chair. – ~~The Governor-Council~~ shall designate a member of the Council as
25 ~~chairman to serve at his pleasure.~~chair.

26 (d) Compensation. – Members of the Council shall receive per diem and necessary
27 travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

28 (e) Quorum. – A majority of the Council shall constitute a quorum for the transaction of
29 business.

30 (f) Staff. – All clerical and other services required by the Council shall be supplied by
31 the Secretary of Cultural Resources."
32

33 **COASTAL RESOURCES ADVISORY COUNCIL**

34 **SECTION 2.2.(a)** Effective July 1, 2012, G.S. 113A-105 reads as rewritten:

35 **"§ 113A-105. Coastal Resources Advisory Council.**

36 ...
37 (b) Membership. – The Coastal Resources Advisory Council shall consist of not more
38 than ~~45~~26 members appointed or designated as follows:

- 39 (1) ~~Two individuals~~Three members designated by the Secretary from among the
40 employees of the ~~Department;~~Department, consisting of one each from the
41 Division of Marine Fisheries, the Division of Water Quality, and the
42 Wildlife Resources Commission;

43 (1a) ~~The Secretary of Commerce or person designated by the Secretary of~~
44 ~~Commerce;~~

45 (2) ~~The Secretary of Administration or person designated by the Secretary of~~
46 ~~Administration;~~
47
48
49

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

23 (b1) Terms. – Members shall serve staggered four-year terms.

24 ...
25 (e) ~~Chairman—Chair~~ and ~~Vice Chairman—Vice-Chair.~~ – A ~~chairman—chair~~ and
26 ~~vice-chairman—vice-chair~~ shall be elected annually by the Council.
27 "

28 **SECTION 2.2.(b)** To achieve staggered terms, the initial terms of the members
29 appointed pursuant to G.S. 113A-105(b)(8), as amended by subsection (a) of this section,
30 representing Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, Pamlico, and
31 Pender Counties and the three members appointed pursuant to G.S. 113A-105(b)(12), as
32 amended by subsection (a) of this section, shall expire June 30, 2014. The initial terms for all
33 other members shall expire on June 30, 2016. Subsequent terms for all members shall be four
34 years.
35

36 **NORTH CAROLINA COUNCIL FOR THE DEAF AND HARD OF HEARING**

37 **SECTION 2.3.** Effective July 1, 2012, G.S. 143B-216.32 reads as rewritten:

38 "**§ 143B-216.32. Council for the Deaf and the Hard of Hearing – membership; quorum;**
39 **compensation.**

40 (a) The Council for the Deaf and the Hard of Hearing shall consist of ~~28 members.~~
41 ~~Twenty members shall be~~ 19 members appointed by the Governor. Three members appointed
42 by the Governor shall be persons who are deaf and three members shall be persons who are
43 hard of hearing. One appointment shall be an educator who trains deaf education ~~teachers~~
44 ~~and teachers,~~ one appointment shall be a deaf education teacher, one appointment shall be a
45 licensed physician whose primary specialty is providing treatment to patients that are deaf or
46 hard of hearing, and one appointment shall be an audiologist licensed under Article 22 of
47 Chapter 90 of the General Statutes. Three appointments shall be parents of deaf or hard of
48 hearing children including one parent of a student in a residential school; one parent of a
49 student in a preschool program; and one parent of a student in a mainstream education program,
50 with at least one parent coming from each region of the North Carolina schools for the deaf
51 regions. One member appointed by the Governor shall be recommended by the President of the

1 North Carolina Association of the Deaf; one member shall be recommended by the President of
 2 the North Carolina Deaf-Blind Associates; one member shall be recommended by the North
 3 Carolina Chapter of Self Help for the Hard of Hearing (SHHH); one member shall be
 4 recommended by the North Carolina Black Deaf Advocates (NCBDA); ~~one member shall be a~~
 5 ~~representative from a facility that performs cochlear implants;~~ one member shall be
 6 recommended by the President of the North Carolina Pediatric Society; and one member shall
 7 be recommended by the President of the North Carolina Registry of Interpreters for the Deaf;
 8 ~~one member shall be recommended by a local education agency; and one member shall be~~
 9 ~~recommended by the Superintendent of Public Instruction. Two members shall be appointed~~
 10 ~~from the House of Representatives by the Speaker of the House of Representatives and two~~
 11 ~~members shall be appointed from the Senate by the President Pro Tempore of the Senate. The~~
 12 ~~Secretary of Health and Human Services shall appoint four members as follows: one from the~~
 13 ~~Division of Vocational Rehabilitation, one from the Division of Aging, one from the Division~~
 14 ~~of Mental Health, Developmental Disabilities, and Substance Abuse Services, and one from the~~
 15 ~~Division of Social Services.~~Deaf.

16 (b) ~~The terms of the initial members of the Council shall commence July 1, 1989. In his~~
 17 ~~initial appointments, the Governor shall designate four members who shall serve terms of five~~
 18 ~~years, four who shall serve terms of four years, four who shall serve terms of three years, and~~
 19 ~~three who shall serve terms of two years. After the initial appointees' terms have expired, all~~
 20 ~~members shall be appointed for a term of four years. No member shall serve more than two~~
 21 ~~successive terms unless the member is an employee of the Department of Health and Human~~
 22 ~~Services or the Department of Public Instruction representing his or her agency as a specialist~~
 23 ~~in the field of service.~~

24 Any appointment to fill a vacancy on the Council created by the resignation, dismissal,
 25 death, or disability of a member shall be for the balance of the unexpired term.

26 (c) ~~The chairman-chair~~ of the Council shall be designated by ~~the Secretary of the~~
 27 ~~Department of Health and Human Services from the Council members. The chairman-chair~~
 28 shall hold this office for not more than four years.

29"

31 NORTH CAROLINA ECONOMIC DEVELOPMENT BOARD

32 SECTION 2.4. Effective July 1, 2012, G.S. 143B-434 reads as rewritten:

33 "**§ 143B-434. Economic Development Board – creation, duties, membership.**

34 ...

35 (b) Membership. – The Economic Development Board shall consist of ~~39~~22 members.
 36 The Secretary of Commerce shall serve ex officio as a member and as the secretary of the
 37 Economic Development Board. The Secretary of ~~Revenue shall serve as an ex officio,~~
 38 ~~nonvoting member. The Revenue, the Secretary of the Department of Cultural Resources~~
 39 ~~Resources, and the Secretary of Environment and Natural Resources shall serve as an ex~~
 40 ~~officio, nonvoting member-members. Four~~Two members of the House of Representatives
 41 appointed by the Speaker of the House of Representatives, ~~four~~two members of the Senate
 42 appointed by the President Pro Tempore of the Senate, the Superintendent of Public Instruction,
 43 or designee, the President of The University of North Carolina, or designee, the President of the
 44 North Carolina Community College System, or designee, the Secretary of State, and the
 45 President of the Senate (or the designee of the President of the Senate), shall serve as members
 46 of the Board. The Governor shall appoint the remaining ~~23~~nine members of the Board.
 47 Effective with the terms beginning ~~July 1, 1997,~~July 1, 2012, one of the Governor's appointees
 48 shall be a representative of a nonprofit organization involved in economic development and
 49 ~~two~~one of the Governor's appointees shall be county economic development representatives.
 50 The Governor shall designate a chair and a vice-chair from among the members of the Board.
 51 Appointments to the Board made by the ~~Governor for terms beginning July 1, 1997,~~Governor,

1 and appointments to the Board made by the Speaker of the House of Representatives and the
2 President Pro Tempore of the Senate for terms beginning ~~July 9, 1993,~~ July 1, 2012, should
3 reflect the ethnic and gender diversity of the State as nearly as practical. All appointments shall
4 be for a term of four years.

5 ~~The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the~~
6 ~~initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial~~
7 ~~appointments made by the Speaker of the House of Representatives and by the President Pro~~
8 ~~Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995;~~
9 ~~the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term~~
10 ~~of four years.~~

11 The appointing officer shall make a replacement appointment to serve for the unexpired
12 term in the case of a vacancy.

13 The members of the Economic Development Board shall receive per diem and necessary
14 travel and subsistence expenses payable to members of State Boards and agencies generally
15 pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the Economic
16 Development Board who are members of the General Assembly shall not receive per diem but
17 shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1.

18"

20 NORTH CAROLINA FINANCIAL LITERACY COUNCIL

21 **SECTION 2.5.** Effective July 1, 2012, G.S. 114-51 reads as rewritten:

22 "**§ 114-51. Membership; terms; quorum.**

23 (a) The Council shall consist of ~~18~~10 members appointed by and serving at the pleasure
24 of the Governor. The Governor shall designate a chair from among the members of the
25 Council. Membership shall be as follows:

26 (1) ~~Ten~~Seven members from government agencies with responsibility for
27 programs and services related to financial education, financial services, and
28 related economic stability efforts. At least one representative shall come
29 from each of the following government agencies:

- 30 a. Community College System.
- 31 ~~b. Department of Commerce.~~
- 32 c. Department of Justice.
- 33 ~~d. Department of Labor.~~
- 34 e. Department of Public Instruction.
- 35 f. Department of the Secretary of State.
- 36 g. Department of State Treasurer.
- 37 h. Office of the Commissioner of Banks.
- 38 i. The University of North Carolina.

39 (2) ~~Two~~One public ~~members~~member with experience in the financial services
40 industry.

41 (3) ~~Two~~One public ~~members~~member who ~~represent~~represents employers with
42 experience in providing financial education to their employees.

43 (4) ~~Four~~One public ~~members~~member with experience in consumer advocacy or
44 nonprofit financial education.

45 (b) Members of the Council shall be appointed for terms of three years and shall serve
46 until their successors are appointed and qualified.

47 (c) A majority of the Council's members shall constitute a quorum."

49 NORTH CAROLINA FORESTRY COUNCIL

50 **SECTION 2.6.** Effective July 1, 2012, G.S. 143A-66.2 reads as rewritten:

1 "§ 143A-66.2. Forestry Council – members; chairperson; selection; removal;
2 compensation; quorum.

3 (a) The Forestry Advisory Council of the Department of Agriculture and Consumer
4 Services shall consist of ~~18~~12 members appointed as follows:

5 (1) Three persons who are registered foresters and who represent the primary
6 forest products industry, one each from the Mountains, Piedmont and
7 Coastal Plain.

8 (2) One person who represents the secondary wood-using industry.

9 (3) One person who represents the logging industry.

10 (4) ~~Four persons who are~~One person who is a nonindustrial woodland owners
11 owner actively involved in forest management, ~~one of whom has agricultural~~
12 ~~interests, and at least one each from the Mountains, Piedmont, and Coastal~~
13 ~~Plain.~~management.

14 (5) ~~Three persons who are members~~One person who is a member of a statewide
15 environmental or wildlife conservation ~~organizations.~~organization.

16 (6) One consulting forester.

17 (7) Two persons who are forest scientists with knowledge of the functioning and
18 management of forest ecosystems.

19 ~~(8) One person who represents a banking institution that manages forestland.~~

20 (9) One person with expertise in urban forestry.

21 (10) One person with active experience in city and regional planning.

22 (b) The Governor shall appoint one person from categories ~~(1) and (5), two persons~~
23 ~~from category (4), and the persons from categories (6), (7), (8), (9), and (10).~~(1), (6), (7), and
24 (9). The President Pro Tempore of the Senate shall appoint ~~the one~~ person from category ~~(2)~~(1)
25 and ~~one~~ ~~the~~ person each from categories ~~(1), (2), (4), and (5).~~ (4), and (5). The Speaker of the House of
26 Representatives shall appoint ~~the one~~ person from category ~~(3)~~(1) and ~~one~~ ~~the~~ person each from
27 categories ~~(1), (4), and (5).~~(3), (7), and (10). The Governor, the President Pro Tempore of the
28 Senate, and the Speaker of the House of Representatives shall consult with one another to
29 insure that each of the three geographic regions of the State are represented in appointments
30 made to fill ~~categories (1) and (4).~~category (1).

31 (c) The ~~Governor Council~~ shall designate one member of the Council to serve as
32 ~~chairperson at the pleasure of the Governor.~~chair.

33 (d) Members shall serve staggered terms of office of four years. The terms of office of
34 members filling categories (1), (4), and (5) shall expire on 30 June of years that follow by one
35 year those years that are evenly divisible by four. The terms of office of members filling
36 categories (2), (3), (6), (7), ~~(8),~~(9), and (10) shall expire on 30 June of years that follow by
37 three years those years that are evenly divisible by four. Terms shall expire as provided by this
38 subsection except that members of the Council shall serve until their successors are appointed
39 and duly qualified as provided by G.S. 128-7. Any appointment to fill a vacancy on the Council
40 created by the resignation, dismissal, death or disability of a member shall be for the balance of
41 the unexpired term and shall be made by the appointing authority responsible for that category.
42 ~~Vacancies in appointments made by the General Assembly shall be filled in accordance with~~
43 ~~G.S. 120-122.~~

44 (e) The Governor shall have the power to remove, in accordance with G.S. 143B-13,
45 any member appointed by the Governor. The General Assembly shall have the power to
46 remove, in accordance with G.S. 143B-13, any member appointed by the General Assembly.

47 (f) Members of the Council shall receive per diem and necessary travel and subsistence
48 expenses in accordance with the provisions of G.S. 138-5.

49 (g) A majority of the Council shall constitute a quorum for the transaction of business.

1 (h) All clerical and other services required by the Council, including the support
2 required to carry out studies it is requested to make, shall be supplied by the Commissioner of
3 Agriculture."
4

5 NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL

6 SECTION 2.7.(a) Effective January 1, 2013, G.S. 143-726 reads as rewritten:

7 "§ 143-726. Council membership; organization.

8 (a) Members. – The Council shall consist of up to ~~35~~22 members, or their designees, as
9 set forth in this section. An appointing authority may reappoint a Council member for
10 successive three-year terms.

11 (b) Governor's Appointments. – The Governor shall appoint the following members:

12 (1) ~~The head of an at-large State agency not represented in subsection (d) of this~~
13 ~~section.~~

14 (2) An employee of a county government, nominated by the North Carolina
15 Association of County Commissioners.

16 (3) An employee of a municipal government, nominated by the North Carolina
17 League of Municipalities.

18 (4) ~~An employee of the federal government who is stationed in North Carolina.~~

19 (5) ~~A representative from the Lead Regional Organizations.~~

20 (6) ~~A member of the general public.~~

21 (7) ~~Other individuals.~~ Another individual whom the Governor deems appropriate
22 to enhance the efforts of geographic information coordination.

23 ~~Members appointed by the Governor shall serve three year terms. The Governor shall~~
24 ~~appoint an individual from the membership of the Council to serve as Chair of the Council. The~~
25 ~~member appointed shall serve as Chair for a term of one year.~~

26 (c) General Assembly Appointments. – The President Pro Tempore of the Senate and
27 the Speaker of the House of Representatives ~~shall each appoint three members to the Council.~~
28 ~~These members shall serve one year terms.~~ may each appoint one member appropriate to
29 enhance the efforts of geographic information coordination.

30 (d) Other Members. – Other Council members shall ~~include~~include the following
31 members or their designees:

32 (1) The Secretary of State.

33 (2) The Commissioner of Agriculture.

34 (3) The Superintendent of Public Instruction.

35 (4) The Secretary of Environment and Natural Resources.

36 (5) The Secretary of the Department of Transportation.

37 (6) The Secretary of the Department of Administration.

38 (7) The Secretary of the Department of Commerce.

39 (8) The Secretary of the Department of Public Safety.

40 (9) The Secretary of the Department of Health and Human Services.

41 (10) The Secretary of the Department of Revenue.

42 (11) The President of the North Carolina Community Colleges System.

43 (12) The President of The University of North Carolina System.

44 (13) The Chair of the Public Utilities Commission.

45 (14) ~~The State Budget Officer.~~ Executive Director of the North Carolina Society
46 of Surveyors.

47 (15) The Executive Director of the North Carolina League of Municipalities.

48 (16) The Executive Director of the North Carolina Association of County
49 Commissioners.

50 (17) ~~One representative from the State Government GIS User Committee.~~

1 (18) ~~One representative elected annually from the Local Government Committee~~
 2 ~~established pursuant to subdivision (h)(2) of this section.~~

3 (19) The State Chief Information Officer who shall serve as a nonvoting member.

4 Council members serving ex officio pursuant to this subsection shall serve terms coinciding
 5 with their respective offices. Members serving by virtue of their appointment by a standing
 6 committee of the Council shall serve for the duration of their appointment by the standing
 7 committee.

8 (d1) Chair. – The Governor shall appoint an individual from the membership of the
 9 Council to serve as Chair of the Council. The member appointed shall serve as Chair for a term
 10 of one year.

11 ...

12 (f) ~~Administration. – The Director of the CGI~~Administration. – The Director of the
 13 Division of Emergency
 14 Management, or his or her designee, shall be secretary of the Council and the Office of
 15 Geospatial and Technology Management, Division of Emergency Management, Department of
 16 Public Safety, shall provide staff support as it requires.

17 (g) ~~Reports. – The Council shall report at least annually to the Governor and Governor,~~
 18 ~~to the Joint Legislative Commission on Governmental Operations-Operations, and the Office of~~
 19 Geospatial and Technology Management, Division of Emergency Management, Department of
 20 Public Safety.

21"

22 **SECTION 2.7.(b)** The terms of the members currently serving on the North
 23 Carolina Geographic Information Coordinating Council shall expire on December 31, 2012.
 24 Members appointed to the Council pursuant to G.S. 143-726, as amended by subsection (a)
 25 of this section, shall begin serving their terms on January 1, 2013. To achieve staggered terms, the
 26 terms of the members appointed by the Governor pursuant to G.S. 143-726(b)(2) and (3) shall
 27 expire December 31, 2013; the member appointed by the Governor pursuant to
 28 G.S. 143-726(b)(7) shall expire December 31, 2014; and the members appointed by the
 29 President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant
 30 to G.S. 143-726(c) shall expire December 31, 2015.

31 GOVERNOR'S CRIME COMMISSION

32 **SECTION 2.8.(a)** Effective July 1, 2012, Subpart A of Part 6 of Article 13 of
 33 Chapter 143B of the General Statutes reads as rewritten:

34 "Part 6. Division of Administration.

35 "Subpart A. ~~Governor's North Carolina~~ Crime Commission

36 "**§ 143B-1100. ~~Governor's North Carolina~~ Crime Commission – creation; composition;**
 37 **terms; meetings, etc.**

38 (a) There is hereby created the ~~Governor's North Carolina~~ Crime Commission of the
 39 Department of Public Safety. The Commission shall consist of ~~38~~24 voting members and six
 40 nonvoting members. The composition of the Commission shall be as follows:

41 (1) The voting members shall be:

- 42 a. The Governor, the Chief Justice of the Supreme Court of North
 43 ~~Carolina (or his alternate),~~Carolina (or the Chief Justice's designee),
 44 the Attorney General, the Director of the Administrative Office of
 45 the Courts, the Secretary of the Department of Health and Human
 46 Services, the Secretary of Public Safety, ~~the Secretary of the Division~~
 47 ~~of Juvenile Justice of the Department of Public Safety,~~Safety (or the
 48 Secretary's designee), and the Superintendent of Public Instruction;
 49 b. A judge of superior court, a judge of district court specializing in
 50 juvenile matters, a chief district court judge, a clerk of superior court,
 51 and a district attorney;

- 1 c. A defense attorney, ~~three sheriffs (one of whom shall be one sheriff~~
 2 ~~from a "high crime area"), three area," one police executives (one of~~
 3 ~~whom shall be executive from a "high crime area"), eight citizens~~
 4 ~~(two with knowledge of juvenile delinquency and the public school~~
 5 ~~system, two of whom shall be under the age of 21 at the time of their~~
 6 ~~appointment, one advocate for victims of all crimes, one~~
 7 ~~representative from a domestic violence or sexual assault program,~~
 8 ~~one representative of a "private juvenile delinquency program," and~~
 9 ~~one in the discretion of the Governor), three area," three citizens, one~~
 10 ~~county commissioners commissioner or county officials, official, and~~
 11 ~~three mayors one mayor or municipal officials; official;~~
- 12 d. Two members of the North Carolina House of Representatives and
 13 two members of the North Carolina Senate.
- 14 (2) The nonvoting members shall be the Director of the State Bureau of
 15 Investigation, the ~~Secretary of the Department of Public Safety, the Assistant~~
 16 ~~Secretary of Intervention/Prevention Deputy Director~~ of the Division of
 17 Juvenile Justice of the Department of Public Safety, Safety who is
 18 responsible for Intervention/Prevention programs, the ~~Assistant Secretary of~~
 19 ~~Youth Development Deputy Director~~ of the Division of Juvenile Justice of
 20 the Department of Public Safety, Safety who is responsible for Youth
 21 Development programs, the ~~Director Section Chief~~ of the Section of Prisons
 22 of the Division of Adult Correction and the ~~Director Section Chief~~ of the
 23 Section of Community Corrections of the Division of Adult Correction.
- 24 (b) The membership of the Commission shall be selected as follows:
- 25 (1) The following members shall serve by virtue of their office: the Governor,
 26 the Chief Justice of the Supreme Court, the Attorney General, the Director of
 27 the Administrative Office of the Courts, the Secretary of the Department of
 28 Health and Human Services, the Secretary of Public Safety, the Director of
 29 the State Bureau of Investigation, the ~~Secretary of the Department of Public~~
 30 ~~Safety, the Director~~ Section Chief of the Section of Prisons of the Division of
 31 Adult Correction, the ~~Director Section Chief~~ of the Section of Community
 32 Corrections of the Division of Adult Correction, the ~~Secretary of the~~
 33 ~~Division of Juvenile Justice of the Department of Public Safety, the~~
 34 ~~Assistant Secretary of Deputy Director who is responsible for~~
 35 ~~Intervention/Prevention of the Division of Juvenile Justice of the~~
 36 ~~Department of Public Safety, the Assistant Secretary of Deputy Director who~~
 37 ~~is responsible for Youth Development of the Division of Juvenile Justice of~~
 38 the Department of Public Safety, and the Superintendent of Public
 39 Instruction. Should the Chief Justice of the Supreme Court choose not to
 40 serve, his alternate shall be selected by the Governor from a list submitted by
 41 the Chief Justice which list must contain no less than three nominees from
 42 the membership of the Supreme Court.
- 43 ...
- 44 (c) The initial members of the Commission shall be those appointed under subsection
 45 (b) above, which appointments shall be made by March 1, 1977. The terms of the present
 46 members of the ~~Governor's North Carolina~~ Commission on Law and Order shall expire on
 47 February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other than
 48 those serving by virtue of their office, to serve staggered terms; seven shall be appointed for
 49 one-year terms, seven for two-year terms, and seven for three-year terms. At the end of their
 50 respective terms of office their successors shall be appointed for terms of three years and until
 51 their successors are appointed and qualified. The Commission members from the House and

1 Senate shall serve two-year terms effective March 1, of each odd-numbered year; and they shall
2 not be disqualified from Commission membership because of failure to seek or attain reelection
3 to the General Assembly, but resignation or removal from office as a member of the General
4 Assembly shall constitute resignation or removal from the Commission. Any other Commission
5 member no longer serving in the office from which he qualified for appointment shall be
6 disqualified from membership on the Commission. Any appointment to fill a vacancy on the
7 Commission created by the resignation, dismissal, death, disability, or disqualification of a
8 member shall be for the balance of the unexpired term.

9 ...
10 **"§ 143B-1101. Governor's North Carolina Crime Commission – powers and duties.**

11 (a) The Governor's North Carolina Crime Commission shall have the following powers
12 and duties:

13 ...
14 (b) The Governor's North Carolina Crime Commission shall review the level of gang
15 activity throughout the State and assess the progress and accomplishments of the State, and of
16 local governments, in preventing the proliferation of gangs and addressing the needs of
17 juveniles who have been identified as being associated with gang activity.

18 The Governor's North Carolina Crime Commission shall develop recommendations
19 concerning the establishment of priorities and needed improvements with respect to gang
20 prevention to the General Assembly on or before March 1 of each year.

21 (c) All directives of the Governor's North Carolina Crime Commission shall be
22 administered by the Director, Crime Control Division of the Department of Public Safety.

23 **"§ 143B-1102. Adjunct committees of the Governor's North Carolina Crime Commission
24 – creation; purpose; powers and duties.**

25 (a) There are hereby created by way of extension and not limitation, the following
26 adjunct committees of the Governor's North Carolina Crime Commission: the Judicial Planning
27 Committee, the Juvenile Justice Planning Committee, the Law Enforcement Planning
28 Committee, the Corrections Planning Committee, and the Juvenile Code Revision Committee.

29 (b) The composition of the adjunct committees shall be as designated by the Governor
30 by executive order, except for the Judicial Planning Committee, the composition of which shall
31 be designated by the Supreme Court. The Governor's appointees shall serve two-year terms
32 beginning March 1, of each odd-numbered year, and members of the Judicial Planning
33 Committee shall serve at the pleasure of the Supreme Court.

34 (c) The adjunct committees created herein shall report directly to the Governor's North
35 Carolina Crime Commission and shall have the following powers and duties:

- 36 (1) The Law Enforcement Planning Committee shall advise the Governor's
37 Crime Commission on all matters which are referred to it relevant to law
38 enforcement, including detention; shall participate in the development of the
39 law-enforcement component of the State's comprehensive plan; shall
40 consider and recommend priorities for the improvement of law-enforcement
41 services; and shall offer technical assistance to State and local agencies in
42 the planning and implementation of programs contemplated by the
43 comprehensive plan for the improvement of law-enforcement services.

44 The Law Enforcement Planning Committee shall maintain contact with
45 the National Commission on Accreditation for Law Enforcement Agencies,
46 assist the National Commission in the furtherance of its efforts, adapt the
47 work of the National Commission by an analysis of law-enforcement
48 agencies in North Carolina, develop standards for the accreditation of
49 law-enforcement agencies in North Carolina, make these standards available
50 to those law-enforcement agencies which desire to participate voluntarily in

- 1 the accreditation program, and assist participants to achieve voluntary
2 compliance with the standards.
- 3 (2) The Judicial Planning Committee (which shall be appointed by the Supreme
4 Court) shall establish court improvement priorities, define court
5 improvement programs and projects, and develop an annual judicial plan in
6 accordance with the Crime Control Act of 1976 (Public Law 94-503); shall
7 advise the ~~Governor's~~ North Carolina Crime Commission on all matters
8 which are referred to it relevant to the courts; shall consider and recommend
9 priorities for the improvement of judicial services; and shall offer technical
10 assistance to State agencies in the planning and implementation of programs
11 contemplated by the comprehensive plan for the improvement of judicial
12 services.
- 13 (3) The Corrections Planning Committee shall advise the ~~Governor's~~ North
14 Carolina Crime Commission on all matters which are referred to it relevant
15 to corrections; shall participate in the development of the adult corrections
16 component of the State's comprehensive plan; shall consider and recommend
17 priorities for the improvement of correction services; and shall offer
18 technical assistance to State agencies in the planning and implementation of
19 programs contemplated by the comprehensive plan for the improvement of
20 corrections.
- 21 (4) The Juvenile Justice Planning Committee shall advise the ~~Governor's~~ North
22 Carolina Crime Commission on all matters which are referred to it relevant
23 to juvenile justice; shall participate in the development of the juvenile justice
24 component of the State's comprehensive plan; shall consider and recommend
25 priorities for the improvement of juvenile justice services; and shall offer
26 technical assistance to State and local agencies in the planning and
27 implementation of programs contemplated by the comprehensive plan for
28 the improvement of juvenile justice.
- 29 (5) The Juvenile Code Revision Committee shall study problems relating to
30 young people who come within the juvenile jurisdiction of the district court
31 as defined by Article 23 of Chapter 7A of the General Statutes and develop a
32 legislative plan which will best serve the needs of young people and protect
33 the interests of the State; shall study the existing laws, services, agencies and
34 commissions and recommend whether they should be continued, amended,
35 abolished or merged; and shall take steps to insure that all agencies,
36 organizations, and private citizens in the State of North Carolina have an
37 opportunity to lend advice and suggestions to the development of a revised
38 juvenile code. If practical, the Committee shall submit a preliminary report
39 to the General Assembly prior to its adjournment in 1977. It shall make a
40 full and complete report to the General Assembly by March 1, 1979. This
41 adjunct committee shall terminate on February 28, 1979.
- 42 (d) The Governor shall have the power to remove any member of any adjunct
43 committee from the Committee for misfeasance, malfeasance or nonfeasance. Each Committee
44 shall meet at the call of the chairman or upon written request of one third of its membership. A
45 majority of a committee shall constitute a quorum for the transaction of business.
- 46 (e) The actions and recommendations of each adjunct committee shall be subject to the
47 final approval of the ~~Governor's~~ North Carolina Crime Commission.
- 48 **"§ 143B-1103. Additional duties of the Grants Management Section.**
49 ...
- 50 (b) The Grants Management Section shall administer the State Law Enforcement
51 Assistance Program and such additional related programs as may be established by or assigned

1 to the Section. It shall serve as the single State planning agency for purposes of the Crime
2 Control Act of 1976 (Public Laws 94-503). Administrative responsibilities shall include, but
3 are not limited to, the following:

- 4 (1) Compiling data, establishing needs and setting priorities for funding and
5 policy recommendations for the ~~Governor's~~ North Carolina Crime
6 Commission;
- 7 (2) Preparing and revising statewide plans for adoption by the ~~Governor's~~ North
8 Carolina Crime Commission which are designed to improve the
9 administration of criminal justice and to reduce crime in North Carolina;

10"

11 **SECTION 2.8.(b)** G.S. 143B-600 reads as rewritten:

12 **"§ 143B-600. Organization.**

13 (a) There is established the Department of Public Safety. The head of the Department of
14 Public Safety is the Secretary of Public Safety, who shall be known as the Secretary. The
15 Department shall consist of six divisions and an Office of External Affairs as follows:

16 ...

- 17 (6) The Division of Administration, the head of which shall be a deputy
18 secretary responsible for all administrative functions, including fiscal,
19 auditing, information technology, purchasing, human resources, training,
20 engineering, and facility management functions for the Department. Within
21 the Division, there is established a Grants Management Section, which shall
22 consist of the ~~Governor's~~ North Carolina Crime Commission, the Criminal
23 Justice Partnership Program, and the Juvenile Crime Prevention Council
24 Fund.

25"

26 **SECTION 2.8.(c)** G.S. 143B-602 reads as rewritten:

27 **"§ 143B-602. Powers and duties of the Secretary of Public Safety.**

28 The Secretary of Public Safety shall have the powers and duties as are conferred on the
29 Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the
30 Secretary by the Constitution and laws of this State. These powers and duties include the
31 following:

32 ...

- 33 (7) Reporting required prior to grant awards. – Prior to any notification of
34 proposed grant awards to State agencies for use in pursuing the objectives of
35 the ~~Governor's~~ North Carolina Crime Commission pursuant to
36 sub-subdivisions a. through g. of subdivision (8) of this section, the
37 Secretary shall report to the Senate and House of Representatives
38 Appropriations Committees for review of the proposed grant awards.

39"

40 **SECTION 2.8.(d)** G.S. 15A-1336 reads as rewritten:

41 **"§ 15A-1336. Compliance with criminal case firearm notification requirements of the**
42 **federal Violence Against Women Act.**

43 The Administrative Office of the Courts, in cooperation with the North Carolina Coalition
44 Against Domestic Violence and the North Carolina ~~Governor's~~ Crime Commission, shall
45 develop a form to comply with the criminal case firearm notification requirements of the
46 Violence Against Women Act of 2005."

47 **SECTION 2.8.(e)** The prefatory language in G.S. 164-42.1(a) reads as rewritten:

48 **"§ 164-42.1. Policy recommendations.**

49 (a) Using the studies of the Special Committee on Prisons, the ~~Governor's~~ North
50 Carolina Crime Commission, and other analyses, including testimony from representatives of
51 the bodies that conducted the analyses, the Commission shall:"

NORTH CAROLINA HUMAN RELATIONS COMMISSION

SECTION 2.9. Effective July 1, 2012, G.S. 143B-392 reads as rewritten:

"§ 143B-392. North Carolina Human Relations Commission – Members; selection; quorum; compensation.

(a) The Human Relations Commission of the Department of Administration shall consist of ~~22~~nine members. The Governor shall appoint ~~one member from each of the 13 congressional districts, plus five members at large, including the chairperson.~~large. The Speaker of the North Carolina House of Representatives shall appoint two members to the Commission. The President Pro Tempore of the Senate shall appoint two members to the Commission. The Chair of the Commission shall be appointed by members of the Commission. ~~The terms of four of the members appointed by the Governor shall expire June 30, 1988. The terms of four of the members appointed by the Governor shall expire June 30, 1987. The terms of four of the members appointed by the Governor shall expire June 30, 1986. The terms of four of the members appointed by the Governor shall expire June 30, 1985. The terms of the members appointed by the Speaker of the North Carolina House of Representatives shall expire June 30, 1986. The terms of the members appointed by the Lieutenant Governor shall expire June 30, 1986. The initial term of office of the person appointed to represent the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. At the end of the respective terms of office of the initial members of the Commission, the~~The appointment of their successors shall be for terms of four years. No member of the commission shall serve more than two consecutive terms. A member having served two consecutive terms shall be eligible for reappointment one year after the expiration of his second term. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be filled in the manner of the original appointment for the unexpired term.

...."

NORTH CAROLINA INTERNSHIP COUNCIL

SECTION 2.10. Effective July 1, 2012, G.S. 143B-418 reads as rewritten:

"§ 143B-418. North Carolina Internship Council – members; selection; quorum; compensation; clerical, etc., services.

The North Carolina Internship Council shall consist of ~~17~~13 members, including the Secretary of Administration or his designee, one member to be designated by and to serve at the pleasure of the President Pro Tempore of the Senate, one member to be designated by and to serve at the pleasure of the Speaker of the House of Representatives and the following ~~14~~10 members to be appointed by the Governor to a two-year term commencing on July 1 of odd-numbered years: two representatives of community colleges; ~~four~~two representatives of The University of North Carolina system; ~~two~~one representative of private colleges or universities; three representatives of colleges or universities with an enrollment of less than 5,000 students; and ~~three~~two former interns.

At the end of the respective terms of office of the ~~14~~10 members of the Council appointed by the Governor, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify. The Governor may remove any member appointed by the Governor.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Council shall meet at the call of the ~~chairman~~chair or upon written request of at least five members.

The Governor shall designate a member of the Council as ~~chairman~~chair to serve at the pleasure of the Governor.

1 Members of the Council shall receive per diem and necessary travel and subsistence
2 expenses in accordance with the provisions of G.S. 138-5.

3 A majority of the Council shall constitute a quorum for the transaction of business.

4 All clerical and other services required by the Council shall be supplied by the Secretary of
5 Administration."

6 7 STATE LIBRARY COMMISSION

8 SECTION 2.11. Effective July 1, 2012, G.S. 143B-91 reads as rewritten:

9 "§ 143B-91. State Library Commission – members; selection; quorum; compensation.

10 (a) The State Library Commission shall consist of ~~4~~5~~12~~ members. All members shall
11 have an interest in the development of library and information services in North Carolina.
12 ~~Eight~~Four members shall be appointed by the Governor. One member shall be appointed by the
13 President Pro Tempore of the Senate. One member shall be appointed by the Speaker of the
14 North Carolina House of Representatives. Three members shall be appointed by the North
15 Carolina Public Library Directors Association. Two members shall be the President and the
16 President-elect of the North Carolina Library Association or two appointees as determined by
17 the North Carolina Library Association's Board of Directors. The State Librarian shall be an ex
18 officio member and act as secretary to the Commission.

19 All appointments shall be for four-year terms with ~~eight~~six of the commissioners taking
20 office on the first four-year cycle and ~~seven~~five commissioners taking office on the second
21 four-year cycle. Any appointment to fill a vacancy in one of the positions appointed by the
22 Governor, President Pro Tempore or Speaker of the House of Representatives shall be for the
23 remainder of the unexpired term. Appointees shall not serve more than two successive
24 four-year terms.

25 The Governor shall choose a ~~chairperson~~chair from among the gubernatorial appointees.
26 The ~~chairperson~~chair shall serve not more than two successive two-year terms as chair.

27 Members of the Commission shall receive per diem and necessary travel and subsistence
28 expenses as provided in G.S. 138-5.

29 A majority of the Commission shall constitute a quorum for the transaction of business.

30 All clerical and other services required by the Commission shall be supplied by the
31 Secretary of Cultural Resources.

32 The Commission shall meet at least twice a year.

33"

34 35 LOCAL HEALTH DEPARTMENT ACCREDITATION BOARD

36 SECTION 2.12. Effective July 1, 2012, G.S. 130A-34.1 reads as rewritten:

37 "§ 130A-34.1. Accreditation of local health departments; board established.

38 (a) The Local Health Department Accreditation Board is established within the North
39 Carolina Institute for Public Health. The Board shall be composed of ~~4~~7~~nine~~ members
40 appointed by the Secretary of the Department of Health and Human Services as follows:

41 (1) ~~Four~~Two shall be county commissioners recommended by the North
42 Carolina Association of County Commissioners, and ~~four~~two shall be
43 members of a local board of health as recommended by the Association of
44 North Carolina Boards of Health.

45 (2) ~~Three~~Two local health directors.

46 (3) ~~Three~~Two staff members from the Division of Public Health, Department of
47 Health and Human Services.

48 (4) Repealed by Session Laws 2011-145, s. 13.3(zz), effective July 1, 2011.

49 (5) ~~Three~~One at large.

50"

MARINE FISHERIES COMMISSION ADVISORY COMMITTEES

SECTION 2.13.(a) Effective July 1, 2012, G.S. 143B-289.57 reads as rewritten:

"§ 143B-289.57. **Marine Fisheries Commission Advisory Committees established; members; selection; duties.**

...

(b) The Chair of the Commission shall appoint the following standing advisory committees:

(1) The Finfish Committee, which shall consider matters concerning finfish.

~~(2) The Crustacean Committee, which shall consider matters concerning shrimp and crabs.~~

~~(3) The Shellfish Committee, which shall consider matters concerning oysters, clams, scallops, and other molluscan shellfish.~~

(3a) The Shellfish/Crustacean Advisory Committee, which shall consider matters concerning oysters, clams, scallops, other molluscan shellfish, shrimp, and crabs.

(4) The Habitat and Water Quality Committee, which shall consider matters concerning habitat and water quality that may affect coastal fisheries resources.

...

(e) The Chair of the Commission shall appoint a ~~regional advisory committee for each of the three coastal regions designated in G.S. 143B-289.54(b) and shall appoint a regional advisory committee for that part of the State that is not included in the three coastal regions.~~ Northern Advisory Committee, encompassing areas from the Virginia line south through Hyde and Pamlico Counties and any counties to the west, and a Southern Advisory Committee, encompassing areas from Carteret County south to the South Carolina line and any counties to the west. In making appointments to regional advisory committees, the Chair of the Commission shall ensure that both commercial and recreational fishing interests are fairly represented."

SECTION 2.13.(b) G.S. 113-200 reads as rewritten:

"§ 113-200. **Fishery Resource Grant Program.**

...

(e1) Grants Committee. – The Grants Committee shall consist of eleven members as follows:

(1) Three employees of the Sea Grant College Program, appointed by the Director of the Sea Grant College Program.

(2) Two employees of the Division of Marine Fisheries, appointed by the Fisheries Director.

(3) Two members of the Marine Fisheries Commission, appointed by the Chair of the Marine Fisheries Commission.

~~(4) One member~~Two members of the ~~Northeast-Northern~~ Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Northeast-Northern~~ Regional Advisory Committee.

~~(5) One member of the Central Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Central Regional Advisory Committee.~~

~~(6) One member~~Two members of the ~~Southeast-Southern~~ Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Southeast-Southern~~ Regional Advisory Committee.

~~(7) One member of the Inland Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional Advisory Committee.~~

...."

SECTION 2.13.(c) The terms of the members currently serving on the Crustacean, Shellfish, and the four regional advisory committees (Northeast, Southeast, Central, and Inland) shall expire on June 30, 2012. Effective July 1, 2012, the Chair of the Marine Fisheries Advisory Commission shall appoint no more than 11 members to the Northern Advisory Committee and the Southern Advisory Committee, established pursuant to subsection (e) of G.S. 143B-289.57, as amended by this section.

NORTH CAROLINA ADVISORY COMMISSION ON MILITARY AFFAIRS

SECTION 2.14. Effective July 1, 2012, G.S. 127C-2 reads as rewritten:

"§ 127C-2. Membership.

(a) The North Carolina Advisory Commission on Military Affairs shall consist of ~~24~~17 voting members, who shall serve on the Executive Committee, and 17 nonvoting, ex officio members who shall serve by reason of their positions.

(b) The Executive Committee shall be appointed as follows:

(1) ~~Three~~Six members appointed by the Speaker of the House of Representatives, ~~one of whom shall be a member of a recognized veterans' organization.~~ consisting of the following:

a. One representative from the Jacksonville community.

b. One representative from the Havelock community.

c. One representative from the Goldsboro community.

d. One representative from the Fayetteville community.

e. One public member who is a member of a recognized veterans' organization.

f. One member or designee of the U.S. Coast Guard from Elizabeth City.

(2) ~~Three~~Six members appointed by the President Pro Tempore of the Senate, ~~one of whom shall be a member of a recognized veterans' organization.~~ consisting of the following:

a. One representative from the Jacksonville community.

b. One representative from the Havelock community.

c. One representative from the Goldsboro community.

d. One representative from the Fayetteville community.

e. One public member who is a member of a recognized veterans' organization.

f. One member or designee of the U.S. Coast Guard from Elizabeth City.

(3) ~~Fifteen~~Five members appointed by the Governor, ~~consisting of:~~ of the following:

a. ~~Three representatives~~One representative from the Jacksonville community.

b. ~~Three representatives~~One representative from the Havelock community.

c. ~~Three representatives~~One representative from the Goldsboro community.

d. ~~Three representatives~~One representative from the Fayetteville community.

e. ~~Three~~One public member ~~from across the State.~~ member who is a veteran.

...."

MINORITY HEALTH ADVISORY COUNCIL

SECTION 2.15. Effective July 1, 2012, G.S. 130A-33.44 reads as rewritten:

"§ 130A-33.44. Minority Health Advisory Council – members; selection; quorum; compensation.

(a) The Minority Health Advisory Council in the Department shall consist of ~~15~~nine members to be appointed as follows:

- (1) ~~Five~~Three members shall be appointed by the Governor. Members appointed by the Governor shall be representatives of the following: health care providers, public health, health related public and private agencies and organizations, community-based organizations, and human services agencies and organizations.
- (2) ~~Five~~Three members shall be appointed by the Speaker of the House of Representatives, ~~two~~one of whom shall be ~~members~~a member of the House of Representatives, and at least one of whom shall be a public member. The remainder of the Speaker's appointees shall be representative of any of the entities named in subdivision (1) of this subsection.
- (3) ~~Five~~Three members shall be appointed by the President Pro Tempore of the Senate, ~~two~~one of whom shall be ~~members~~a member of the Senate, ~~and at least one of whom shall be a public member. The remainder of the President Pro Tempore's appointees~~member, and one of whom shall be representative of any of the entities named in subdivision (1) of this subsection.
- (4) Of the members appointed by the Governor, ~~two~~one shall serve initial terms of one year, ~~two~~one shall serve initial terms of two years, and one shall serve an initial term of three years. Thereafter, the Governor's appointees shall serve terms of four years.

...."

NORTH CAROLINA MUSEUM OF ART BOARD OF TRUSTEES

SECTION 2.16.(a) Effective October 1, 2012, G.S. 140-5.13 reads as rewritten:

"§ 140-5.13. Board of Trustees – establishment; members; selection; quorum; compensation; officers; meetings.

...

(b) The Board of Trustees of the North Carolina Museum of Art shall consist of ~~29~~25 members, chosen as follows:

- (1) The Governor shall appoint ~~13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);~~thirteen members;
- (2) ~~The North Carolina State Art Society, Incorporated, shall elect four members;~~
- (3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;
- (4) The Board of Trustees of the North Carolina Museum of Art shall elect four members;
- (5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;
- (6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections ~~except those by the General Assembly~~ shall be for terms of ~~six~~four years, except that each member shall serve until his successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of ~~six~~four years. ~~All regular appointments by the General Assembly shall be for the then current~~

1 legislative term, and no appointee of the General Assembly may be appointed to more than two
2 consecutive terms of two years.

3"

4 **SECTION 2.16.(b)** The terms of the members currently serving on the Board of
5 Trustees of the North Carolina Museum of Art shall expire September 30, 2012. Members
6 appointed to the Board pursuant to G.S. 140-5.13, as amended by subsection (a) of this section,
7 shall begin serving their terms on October 1, 2012. To achieve staggered terms, the terms of the
8 members appointed by the General Assembly shall expire August 31, 2014. Subsequent terms
9 of General Assembly appointments shall be for four years.

10 NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY

11 **SECTION 2.17.** Effective July 1, 2012, G.S. 143B-472.81 reads as rewritten:

12 "**§ 143B-472.81. North Carolina Board of Science and Technology; membership;**
13 **organization; compensation; staff services.**

14 (a) The North Carolina Board of Science and Technology consists of the Governor, the
15 Secretary of Commerce, and ~~47~~13 members appointed as follows: the Governor shall appoint
16 one member from the University of North Carolina at Chapel Hill, one member from North
17 Carolina State University at Raleigh, and ~~two members~~one member from other components of
18 the University of North Carolina, all nominated by the President of the University of North
19 Carolina; one member from Duke University, nominated by the President of Duke University;
20 one member from a private college or university, other than Duke University, in North
21 Carolina, nominated by the President of the Association of Private Colleges and Universities;
22 one member from the Research Triangle Institute, nominated by the executive committee of the
23 board of that institute; one member from the Microelectronics Center of North Carolina,
24 nominated by the executive committee of the board of that center; one member from the North
25 Carolina Biotechnology Center, nominated by the executive committee of the board of that
26 center; ~~four members~~one member from private industry in North Carolina, ~~at least one of~~
27 ~~whom shall be a professional engineer registered pursuant to Chapter 89C of the General~~
28 ~~Statutes or a person who holds at least a bachelors degree in engineering from an accredited~~
29 ~~college or university; and two members from public agencies in North Carolina.~~ Two members
30 from private industry in North Carolina shall be appointed by the General Assembly, one shall
31 be appointed upon the recommendation of the President Pro Tempore of the Senate, and one
32 shall be appointed upon the recommendation of the Speaker of the House of Representatives in
33 accordance with G.S. 120-121. The nominating authority for any vacancy on the Board among
34 members appointed by the Governor shall submit to the Governor two nominations for each
35 position to be filled, and the persons so nominated shall represent different disciplines.

36 (b) Members appointed to the Board by the General Assembly shall serve for two-year
37 terms beginning 1 July of odd-numbered years. Vacancies in appointments made by the
38 General Assembly shall be filled in accordance with G.S. 120-122. ~~The two members from~~
39 ~~public agencies shall serve for terms expiring at the end of the term of the Governor appointing~~
40 ~~them.~~ ~~The other 13~~nine members appointed to the Board by the Governor shall serve for
41 ~~four year~~three-year terms, and until their successors are appointed and qualified. Of those
42 ~~13~~nine members, ~~six~~five shall serve for terms that expire on 30 June of years that ~~follow by~~
43 ~~one year~~ those years that are evenly divisible by ~~four~~three, and ~~seven~~four shall serve for terms
44 that expire on 30 June of years that ~~follow by three years~~ precede by one year those years that
45 are evenly divisible by ~~four~~three. Any appointment to fill a vacancy on the Board created by
46 the resignation, dismissal, death, or disability of a member shall be for the balance of the
47 unexpired term.

48 (c) The Governor or the Governor's designee shall serve as chair of the Board. The
49 vice-chair and the secretary of the Board shall be designated by the Governor or the Governor's
50 designee from among the members of the Board.
51

1"

2
3 **STATE YOUTH ADVISORY COUNCIL**

4 **SECTION 2.18.** Effective July 1, 2012, G.S. 143B-386 reads as rewritten:

5 **"§ 143B-386. State Youth Advisory Council – members; selection; quorum;**
6 **compensation.**

7 The State Youth Advisory Council of the Department of Administration shall consist of ~~20~~
8 10 members. The composition and appointment of the Council shall be as follows:

9 ~~Ten~~ Five youths to be elected by the procedure adopted by the Youth Advisory Council,
10 which shall include a requirement that ~~four~~ two of the members represent youth organizations;
11 and ~~10~~ five adults to be appointed by the Governor at least ~~four~~ two of whom shall be
12 individuals working on youth programs through youth organizations. Provided that no person
13 shall serve on the Board for more than two complete consecutive terms.

14 ~~The initial members of the Council shall be the appointed members of the Youth Advisory~~
15 ~~Board who shall serve for a period equal to the remainder of their current terms on the Youth~~
16 ~~Advisory Board. The current terms of the youth members expire July 1, 1976, the current terms~~
17 ~~of four of the adult members expire April 7, 1976, and the remaining four adult members' terms~~
18 ~~expire May 1, 1978. At the end of the respective terms of office of the initial members of the~~
19 ~~Council, the appointment of their successors shall be as follows:~~

20 (1) ~~Eight youth members to serve for terms beginning on July 1, 1976, and~~
21 ~~expiring on June 30, 1977, and two additional youth members to serve for~~
22 ~~terms beginning on July 1, 1977, and expiring on June 30, 1978. At the end~~
23 ~~of the terms of office of these youth members of the Council, the~~
24 ~~appointment of their successors shall be for terms of two years and until~~
25 ~~their successors are appointed and qualify.~~

26 (2) ~~Four adult members to serve for terms beginning on April 8, 1976, and~~
27 ~~expiring on June 30, 1979; four adult members to serve for terms beginning~~
28 ~~on May 1, 1978, and expiring on June 30, 1980; one additional adult~~
29 ~~member to serve for a term beginning July 1, 1977, and expiring June 30,~~
30 ~~1978; and one additional adult member to serve for a term beginning July 1,~~
31 ~~1977, and expiring June 30, 1979. At the end of the respective terms of~~
32 ~~office of these adult members of the Council, the appointment of their~~
33 ~~successors shall be for terms of two years and until their successors are~~
34 ~~appointed and qualify. At least one adult member shall be an advisor of a~~
35 ~~local youth council at appointment and for the duration of the term.~~

36 The term for each appointment shall be for two years. The total membership shall
37 reasonably reflect the socioeconomic, ethnic, sexual and sectional composition of the State.

38 Any appointment to fill a vacancy on the Council created by the resignation, dismissal,
39 death, or disability of a member shall be for the balance of the unexpired term.

40 The Governor shall have the power to remove any member of the Council from office in
41 accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

42 The Governor shall designate an adult member of the Council to serve as ~~chairman~~ chair
43 at the pleasure of the Governor. The Council shall elect a youth member to serve as ~~vice-chairman~~
44 vice-chair for a one-year term.

45 A majority of the Council shall constitute a quorum for the transaction of business.

46 Members of the Council who are not officers or employees of the State shall receive per
47 diem and necessary travel and subsistence expenses in accordance with provisions of
48 G.S. 138-5.

49 All clerical and other services required by the Council shall be supplied by the Secretary of
50 Administration."
51

EFFECTIVE DATE FOR SUBPART A

SECTION 2.19. Unless otherwise provided, this Subpart becomes effective July 1, 2012, and the members currently serving on the boards and commissions set out in those sections expire on June 30, 2012. If the terms of office being eliminated in this Subpart have not been set out by this act, then the appointing authorities shall determine by August 1, 2012, which terms to eliminate to achieve the membership totals pursuant to this Subpart. 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.

SUBPART B. EXECUTIVE BOARDS AND COMMISSIONS**NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY**

SECTION 2.20. Effective July 1, 2012, G.S. 122D-4 reads as rewritten:

"§ 122D-4. North Carolina Agricultural Finance Authority.

...

(b) The Authority shall be composed of ~~40~~ seven members appointed to three-year terms as follows:

- (1) One member appointed by the Governor to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.
- ~~(2) One member appointed by the Governor to a term that expires on 1 July of years that are evenly divisible by three.~~
- (3) One member appointed by the Governor to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.
- (4) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.
- ~~(5) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that are evenly divisible by three.~~
- (6) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.
- (7) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.
- ~~(8) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that are evenly divisible by three.~~
- (9) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.
- (10) The Commissioner or the Commissioner's designee shall serve ex officio, with the same rights and privileges, including voting rights, as other members.

(c) A member appointed under subdivisions (1) through (9) of subsection (b) of this section may be reappointed to no more than two successive three-year terms. Upon the

1 expiration of a three-year term, a member shall continue to serve until a successor is appointed
2 and duly qualified as provided by G.S. 128-7.

3 (d) Vacancies in the offices of any appointed members of the Authority shall be filled in
4 accordance with G.S. 120-122 for the remainder of the unexpired term. No vacant office shall
5 be included in the determination of a quorum. No vacancy in office shall impair the rights of
6 the members to exercise all rights and to conduct official business of the Authority.

7"

8 9 **NORTH CAROLINA CHILD CARE COMMISSION**

10 **SECTION 2.21.** Effective July 1, 2012, the North Carolina Child Care
11 Commission shall be limited to 15 members. By August 1, 2012, the Governor shall eliminate
12 two of the appointments made by the Governor to the Commission, established pursuant to
13 G.S. 143B-168.3.

14 15 **NORTH CAROLINA COASTAL RESOURCES COMMISSION**

16 **SECTION 2.22.** Effective July 1, 2012, G.S. 113A-104 reads as rewritten:

17 **"§ 113A-104. Coastal Resources Commission.**

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

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

23 (1) One who shall at the time of appointment be actively connected with or have
24 experience in commercial fishing.

25 (2) One who shall at the time of appointment be actively connected with or have
26 experience in wildlife or sports fishing.

27 (3) One who shall at the time of appointment be actively connected with or have
28 experience in marine ecology.

29 (4) One who shall at the time of appointment be actively connected with or have
30 experience in coastal agriculture.

31 (5) One who shall at the time of appointment be actively connected with or have
32 experience in coastal forestry.

33 ~~(6) One who shall at the time of appointment be actively connected with or have
34 experience in coastal land development.~~

35 (7) One who shall at the time of appointment be actively connected with or have
36 experience in marine-related business (other than fishing and wildlife).

37 (8) One who shall at the time of appointment be actively connected with or have
38 experience in engineering in the coastal area.

39 (9) One who shall at the time of appointment be actively associated with a State
40 or national conservation organization.

41 (10) One who shall at the time of appointment be actively connected with or have
42 experience in financing of coastal land development.

43 (11) Two who shall at the time of appointment be actively connected with or
44 have experience in local government within the coastal area.

45 ~~(12) Three at large members.~~

46 (c) Appointment of Members. – Appointments to the Commission shall be made to
47 provide knowledge and experience in a diverse range of coastal interests. The members of the
48 Commission shall serve and act on the Commission solely for the best interests of the public
49 and public trust, and shall bring their particular knowledge and experience to the Commission
50 for that end alone.

1 The Governor shall appoint in his or her sole discretion ~~those members~~ the member of the
2 Commission whose qualifications are described in ~~subdivisions (6) and (10), and one of the~~
3 ~~three members described in subdivision (12)~~ subdivision (10) of subsection (b) of this section.

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

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

47 ...

48 (i) Officers. – The ~~chairman~~ chair shall be designated ~~by the Governor from among the~~
49 ~~members of the Commission to serve as chairman at the pleasure of the Governor.~~ Commission.
50 The ~~vice-chairman~~ vice-chair shall be elected by and from the members of the Commission and
51 shall serve for a term of two years or until the expiration of his regularly appointed term.

1 "

2
3 **DOMESTIC VIOLENCE COMMISSION**

4 **SECTION 2.23.** Effective July 1, 2012, G.S. 143B-394.15 reads as rewritten:

5 "**§ 143B-394.15. Commission established; purpose; membership; transaction of business.**

6 ...
7 (c) Membership. – The Commission shall consist of ~~39~~19 members, who reflect the
8 geographic and cultural regions of the State, as follows:

9 (1) ~~Nine~~Six persons appointed by the Governor, ~~one of whom is a clerk of~~
10 ~~superior court; one of whom is an academician who is knowledgeable about~~
11 ~~domestic violence trends and treatment; one of whom is a member of the~~
12 ~~medical community; one of whom is a United States Attorney for the State~~
13 ~~of North Carolina or that person's designee; one of whom is a member of the~~
14 ~~North Carolina Bar Association who has studied domestic violence issues;~~
15 ~~one of whom is a representative of a victims' service program eligible for~~
16 ~~funding by the Governor's Crime Commission or the North Carolina Council~~
17 ~~for Women; program; one of whom is a member of the North Carolina~~
18 ~~Coalition Against Domestic Violence; and one of whom is a former victim~~
19 ~~of domestic violence; and one of whom is a member of the public at~~
20 ~~large violence.~~

21 (2) ~~Nine~~Five persons appointed by the General Assembly, upon
22 ~~recommendation of the President Pro Tempore of the Senate, one of whom~~
23 ~~is a member of the Senate; one of whom is a district court judge; one of~~
24 ~~whom is a district attorney or assistant district attorney; one of whom is a~~
25 ~~representative of the law enforcement community with specialized~~
26 ~~knowledge of domestic violence issues; one of whom is a county manager;~~
27 ~~one of whom is a representative of a community legal services agency who~~
28 ~~works with domestic violence victims; one of whom is a former victim~~
29 ~~representative of the linguistic and cultural minority communities; and one~~
30 ~~of whom is a representative of a victims' service program eligible for~~
31 ~~funding by the Governor's Crime Commission or the North Carolina Council~~
32 ~~for Women; and one of whom is a member of the public at large.~~Women.

33 (3) ~~Nine~~Five persons appointed by the General Assembly, upon
34 ~~recommendation of the Speaker of the House of Representatives, one of~~
35 ~~whom is a member of the House of Representatives; one of whom is a~~
36 ~~magistrate; one of whom is a member of the business community; one of~~
37 ~~whom is a district court judge; one of whom is a representative of a victims'~~
38 ~~service program eligible for funding by the Governor's Crime Commission~~
39 ~~or the North Carolina Council for Women; one of whom is a representative~~
40 ~~of the law enforcement community with specialized knowledge of domestic~~
41 ~~violence issues; one of whom provides offender treatment and is approved~~
42 ~~by the North Carolina Council for Women; one of whom is a representative~~
43 ~~of the linguistic and cultural minority communities; and one of whom is a~~
44 ~~public member.~~former victim of domestic violence.

45 (4) The following persons: Attorney General, the Secretary of the Department of
46 Public Safety, and the Chair of the North Carolina Council for Women, or
47 their designees, ex officio; designees shall serve ex officio.

48 a. The Governor.

49 b. The Lieutenant Governor.

50 c. The Attorney General.

51 d. The Secretary of the Department of Administration.

- 1 e. ~~The Secretary of the Department of Public Safety.~~
 2 f. ~~The Superintendent of Public Instruction.~~
 3 g. ~~The Secretary of Public Safety.~~
 4 h. ~~The Secretary of the Department of Health and Human Services.~~
 5 i. ~~The Director of the Office of State Personnel.~~
 6 j. ~~The Chair of the North Carolina Council for Women.~~
 7 k. ~~The Dean of the School of Government at the University of North~~
 8 ~~Carolina at Chapel Hill.~~
 9 l. ~~The Chairman of the Governor's Crime Commission.~~

10 (d) Terms. – Members shall serve for two-year terms, with no prohibition against being
 11 reappointed, except initial appointments shall be for terms as follows:

- 12 (1) The Governor shall initially appoint ~~five~~three members for terms of two
 13 years and ~~four~~three members for terms of three years.
 14 (2) The President Pro Tempore of the Senate shall initially appoint ~~five~~three
 15 members for terms of two years and ~~four~~two members for terms of three
 16 years.
 17 (3) The Speaker of the House of Representatives shall initially appoint ~~five~~three
 18 members for terms of two years and ~~four~~two members for terms of three
 19 years.

20 Initial terms shall commence on September 1, 1999.

21 (e) Chair. – The chair shall be appointed biennially by the Governor from among the
 22 membership of the Commission. The initial term shall commence on September 1, 1999.

23"

24
 25 **COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND**
 26 **SUBSTANCE ABUSE SERVICES**

27 **SECTION 2.24.** Effective July 1, 2012, G.S. 143B-148 reads as rewritten:

28 "**§ 143B-148. Commission for Mental Health, Developmental Disabilities, and Substance**
 29 **Abuse Services – members; selection; quorum; compensation.**

30 (a) The Commission for Mental Health, Developmental Disabilities, and Substance
 31 Abuse Services of the Department of Health and Human Services shall consist of ~~32~~20
 32 members, as follows:

- 33 (1) Eight shall be appointed by the General Assembly, four upon the
 34 recommendation of the Speaker of the House of Representatives, and four
 35 upon the recommendation of the President Pro Tempore of the Senate in
 36 accordance with G.S. 120-121. In recommending appointments under this
 37 section, the Speaker of the House of Representatives and the President Pro
 38 Tempore of the Senate shall give consideration to ensuring a balance of
 39 appointments that represent those who may have knowledge and expertise in
 40 adult issues and those who may have knowledge and expertise in children's
 41 issues. Of the four appointments recommended by the President Pro
 42 Tempore of the Senate, one shall be an attorney licensed in this State with
 43 preference given to an attorney with experience in the practice of
 44 administrative law, one shall be a physician licensed to practice medicine in
 45 North Carolina, with preference given to a psychiatrist, and two shall be
 46 members of the public. Of the four appointments recommended by the
 47 Speaker of the House of Representatives, one shall be an attorney licensed in
 48 this State with preference given to an attorney with experience in the
 49 practice of mental health law, one shall be a physician licensed to practice
 50 medicine in North Carolina who has expertise and experience in the field of
 51 developmental disabilities, or a professional holding a Ph.D. with experience

- 1 in the field of developmental disabilities, and two shall be members of the
2 public. Vacancies in appointments made by the General Assembly shall be
3 filled in accordance with G.S. 120-122.
- 4 (2) ~~Twenty-four~~Twelve shall be appointed by the ~~Governor, one from each~~
5 ~~congressional district in the State in accordance with G.S. 147-12(3)b, and~~
6 ~~the remainder at large members.~~Governor. The Governor's appointees shall
7 represent the following categories of appointment:
- 8 a. ~~Three professionals~~Professionals licensed or certified under Chapter
9 90 or Chapter 90B of the General Statutes who are practicing,
10 teaching, or conducting research in the field of mental health.
- 11 b. ~~Four consumers~~Consumers or immediate family members of
12 consumers of mental health services. ~~Of these four, at least one shall~~
13 ~~be a consumer and at least one shall be an immediate family member~~
14 ~~of a consumer.~~ No more than two of the consumers or immediate
15 family members shall be selected from nominations submitted by the
16 Coalition 2001 or its successor organization.
- 17 c. ~~Two professionals~~Professionals licensed or certified under Chapter
18 90 or Chapter 90B of the General Statutes who are practicing,
19 teaching, or conducting research in the field of developmental
20 disabilities, and one individual who is a "qualified professional" as
21 that term is defined in G.S. 122C-3(31) who has experience in the
22 field of developmental disabilities.
- 23 d. ~~Four consumers~~Consumers or immediate family members of
24 consumers of developmental disabilities services. ~~Of these four, at~~
25 ~~least one shall be a consumer and at least one shall be an immediate~~
26 ~~family member of a consumer.~~ No more than two of the consumers
27 or immediate family members shall be selected from nominations
28 submitted by the Coalition 2001 or its successor organization.
- 29 e. ~~Two professionals~~Professionals licensed or certified under Chapter
30 90 of the General Statutes who are practicing, teaching, or
31 conducting research in the field of substance abuse, and one
32 professional who is a certified prevention specialist or who
33 specializes in the area of addiction education.
- 34 f. An individual knowledgeable and experienced in the field of
35 controlled substances regulation and enforcement. The controlled
36 substances appointee shall be selected from recommendations made
37 by the Attorney General of North Carolina.
- 38 g. A physician licensed to practice medicine in North Carolina who has
39 expertise and experience in the field of substance abuse with
40 preference given to a physician that is certified by the American
41 Society of Addiction Medicine (ASAM).
- 42 h. ~~Four consumers~~Consumers or immediate family members of
43 consumers of substance abuse services. ~~Of these four, at least one~~
44 ~~shall be a consumer and at least one shall be an immediate family~~
45 ~~member of a consumer.~~ No more than two of the consumers or
46 immediate family members shall be selected from nominations
47 submitted by the Coalition 2001 or its successor organization.
- 48 i. An attorney licensed in this State. The appointments of professionals
49 licensed or certified under Chapter 90 or Chapter 90B of the General
50 Statutes made in accordance with this subdivision, and physicians
51 appointed in accordance with subdivision (1) of this subsection shall

1 be selected from nominations submitted to the appointing authority
2 by the respective professional associations.

- 3 j. A hospital administrator or other facility or service administrator
4 with expertise in crisis services management.

5"

6
7 **NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., BOARD OF**
8 **DIRECTORS**

9 **SECTION 2.25.** Effective July 1, 2012, G.S. 143B-168.12 reads as rewritten:

10 "**§ 143B-168.12. North Carolina Partnership for Children, Inc.; conditions.**

11 (a) In order to receive State funds, the following conditions shall be met:

12 (1) The North Carolina Partnership shall have a Board of Directors consisting of
13 the following ~~26~~20 members:

14 a. The Secretary of Health and Human Services, ex officio, or the
15 Secretary's designee;

16 b. Repealed by Session Laws 1997, c. 443, s. 11A.105.

17 c. The Superintendent of Public Instruction, ex officio, or the
18 Superintendent's designee;

19 d. The President of the Community Colleges System, ex officio, or the
20 President's designee;

21 e. ~~Three members of the public, including one child care provider, one~~
22 ~~other who is a parent, and one other who is a board chair of a local~~
23 ~~partnership serving on the North Carolina Partnership local~~
24 ~~partnership advisory committee, public appointed by the General~~
25 ~~Assembly upon recommendation of the President Pro Tempore of the~~
26 ~~Senate;~~

27 f. ~~Three members of the public, including one who is a parent, one~~
28 ~~other who is a representative of the faith community, and one other~~
29 ~~who is a board chair of a local partnership serving on the North~~
30 ~~Carolina Partnership local partnership advisory committee, public~~
31 ~~appointed by the General Assembly upon recommendation of the~~
32 ~~Speaker of the House of Representatives;~~

33 g. ~~Twelve~~Six members, appointed by the Governor. ~~Three~~Two of
34 these ~~12~~six members shall be members of the party other than the
35 Governor's party, appointed by the Governor. ~~Seven of these 12~~
36 ~~members shall be appointed as follows: one who is a child care~~
37 ~~provider, one other who is a pediatrician, one other who is a health~~
38 ~~care provider, one other who is a parent, one other who is a member~~
39 ~~of the business community, one other who is a member representing~~
40 ~~a philanthropic agency, and one other who is an early childhood~~
41 ~~educator;~~

42 h. Repealed by Session Laws 1998-212, s. 12.37B(a), effective October
43 30, 1998.

44 h1. The Chair of the North Carolina Partnership Board shall be appointed
45 by the Governor;

46 i. Repealed by Session Laws 1998-212, s. 12.37B(a), effective October
47 30, 1998.

48 j. One member of the public appointed by the General Assembly upon
49 recommendation of the Majority Leader of the Senate;

- 1 k. One member of the public appointed by the General Assembly upon
2 recommendation of the Majority Leader of the House of
3 Representatives;
4 l. One member of the public appointed by the General Assembly upon
5 recommendation of the Minority Leader of the Senate;
6 m. One member of the public appointed by the General Assembly upon
7 recommendation of the Minority Leader of the House of
8 Representatives; and
9 n. The Director of the ~~More at Four~~ NC Pre-Kindergarten Program, or
10 the Director's designee.

11 It is the intent of the General Assembly that appointments to the North
12 Carolina Partnership Board shall be representative of the stakeholders and
13 recipients of the early education system in North Carolina, including past or
14 present local partnership board chairs. The North Carolina Partnership Board
15 shall also include individuals who can assist with private fund-raising. It
16 shall be the responsibility of the North Carolina Partnership Board to
17 recommend appropriate individuals that meet these criteria to the appointing
18 authorities.

19 All members appointed to succeed the initial members and members
20 appointed thereafter shall be appointed for three-year terms. Members may
21 succeed themselves.

22 All appointed board members shall avoid conflicts of interests and the
23 appearance of impropriety. Should instances arise when a conflict may be
24 perceived, any individual who may benefit directly or indirectly from the
25 North Carolina Partnership's disbursement of funds shall abstain from
26 participating in any decision or deliberations by the North Carolina
27 Partnership regarding the disbursement of funds.

28 All ex officio members are voting members. Each ex officio member
29 may be represented by a designee. These designees shall be voting members.
30 No members of the General Assembly shall serve as members.

31 The North Carolina Partnership may establish a nominating committee
32 and, in making their recommendations of members to be appointed by the
33 General Assembly or by the Governor, the President Pro Tempore of the
34 Senate, the Speaker of the House of Representatives, the Majority Leader of
35 the Senate, the Majority Leader of the House of Representatives, the
36 Minority Leader of the Senate, the Minority Leader of the House of
37 Representatives, and the Governor shall consult with and consider the
38 recommendations of this nominating committee.

39 The North Carolina Partnership may establish a policy on members'
40 attendance, which policy shall include provisions for reporting absences of
41 at least three meetings immediately to the appropriate appointing authority.

42 Members who miss more than three consecutive meetings without
43 excuse or members who vacate their membership shall be replaced by the
44 appropriate appointing authority, and the replacing member shall serve either
45 until the General Assembly and the Governor can appoint a successor or
46 until the replaced member's term expires, whichever is earlier.

47 The North Carolina Partnership shall establish a policy on membership
48 of the local boards. No member of the General Assembly shall serve as a
49 member of a local board. Within these requirements for local board
50 membership, the North Carolina Partnership shall allow local partnerships

1 that are regional to have flexibility in the composition of their boards so that
2 all counties in the region have adequate representation.

3 All appointed local board members shall avoid conflicts of interests and
4 the appearance of impropriety. Should instances arise when a conflict may
5 be perceived, any individual who may benefit directly or indirectly from the
6 partnership's disbursement of funds shall abstain from participating in any
7 decision or deliberations by the partnership regarding the disbursement of
8 funds.

9"

10 11 COMMISSION FOR PUBLIC HEALTH

12 SECTION 2.26. Effective July 1, 2012, G.S. 130A-30 reads as rewritten:

13 "§ 130A-30. Commission for Public Health – Members; selection; quorum;
14 compensation.

15 (a) The Commission for Public Health shall consist of ~~13~~11 members, four of whom
16 shall be elected by the North Carolina Medical Society and ~~nine~~seven of whom shall be
17 appointed by the Governor.

18 (b) One of the members appointed by the Governor shall be a licensed pharmacist, one
19 a registered engineer experienced in sanitary engineering or a soil scientist, one a licensed
20 veterinarian, one a licensed optometrist, one a licensed dentist, and one a registered nurse. The
21 initial members of the Commission shall be the members of the State Board of Health who
22 shall serve for a period equal to the remainder of their current terms on the State Board of
23 Health, three of whose appointments expire May 1, 1973, and two of whose appointments
24 expire May 1, 1975. At the end of the respective terms of office of initial members of the
25 Commission, their successors shall be appointed for terms of four years and until their
26 successors are appointed and qualify. Any appointment to fill a vacancy on the Commission
27 created by the resignation, dismissal, death, or disability of a member shall be for the balance
28 of the unexpired term.

29"

30
31 [SECTION 2.27 is omitted]

32 33 SOCIAL SERVICES COMMISSION

34 SECTION 2.28. Effective July 1, 2012, G.S. 143B-154 reads as rewritten:

35 "§ 143B-154. Social Services Commission – members; selection; quorum; compensation.

36 The Social Services Commission of the Department of Health and Human Services shall
37 consist of ~~one member from each congressional district in the State, all of whom shall be~~nine
38 members appointed by the Governor for four-year ~~terms~~terms beginning July 1.

39 ~~The initial members of the Commission shall be the appointed members of the current~~
40 ~~Social Services Commission who shall serve for the remainder of their current terms and four~~
41 ~~additional members appointed by the Governor for terms expiring April 1, 1981. Any~~
42 ~~appointment to fill a vacancy on the Commission created by the resignation, dismissal, death,~~
43 ~~removal or disability of a member shall be for the balance of the unexpired term.~~

44 ~~In the event that more than 11 congressional districts are established in the State, the~~
45 ~~Governor shall on July 1 following the establishment of such additional congressional districts~~
46 ~~appoint a member of the Commission from that congressional district.~~

47 The Governor shall have the power to remove any member of the Commission from office
48 for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of
49 G.S. 143B-13 of the Executive Organization Act of 1973.

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

1 A majority of the Commission shall constitute a quorum for the transaction of business.

2 All clerical and other services required by the Commission shall be supplied by the
3 Secretary of Health and Human Services."
4

5 NORTH CAROLINA TEXTBOOK COMMISSION

6 SECTION 2.29. Effective July 1, 2012, G.S. 115C-87 reads as rewritten:

7 "§ 115C-87. Appointment of Textbook Commission.

8 Shortly after assuming office, the Governor shall appoint a Textbook Commission of ~~23~~16
9 members who shall hold office for four years, or until their successors are appointed and
10 qualified. The members of the Commission shall be appointed by the Governor upon
11 recommendation of the Superintendent. ~~Five~~Three of these members shall be teachers or
12 principals in grades K-5; ~~five~~three shall be teachers or principals in grades 6-8; four shall be
13 superintendents, teachers, or principals in grades 9-12; ~~one shall be a superintendent of a local~~
14 ~~school administrative unit, three~~two shall be parents of students in grades K-5 at the time of
15 appointment; ~~three~~two shall be parents of students in grades 6-8 at the time of appointment;
16 and two shall be parents of students in grades 9-12 at the time of appointment. The Governor
17 shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a
18 ~~chairman,~~chair, subject to the approval of the Superintendent. The Commission shall meet four
19 times a year or at the call of the chair. The members shall be entitled to compensation for each
20 day spent on the work of the Commission as approved by the Board and to reimbursement for
21 travel and subsistence expense incurred in the performance of their duties at the rates specified
22 in G.S. 138-5(a). Compensation shall be paid from funds available to the State Board of
23 Education."
24

25 TOBACCO TRUST FUND COMMISSION

26 SECTION 2.30. G.S. 143-717 reads as rewritten:

27 "§ 143-717. Commission.

28 ...

29 (b) Membership. – The Commission shall consist of ~~18~~15 members. The Commission
30 shall be appointed as follows: ~~six~~five members by the Governor, ~~six~~five members by the
31 President Pro Tempore of the Senate, and ~~six~~five members by the Speaker of the House of
32 Representatives. The members shall be appointed as follows:

33 (1) The Governor shall make the following appointments:

- 34 a. A ~~flue-cured~~ tobacco farmer.
35 b. A ~~flue-cured~~ tobacco farmer.
36 c. A ~~person in or displaced from tobacco-related employment.~~tobacco
37 farmer.
38 d. ~~An at-large appointee.~~
39 e. An at-large appointee.
40 f. An at-large appointee.

41 (2) The President Pro Tempore of the Senate shall make the following
42 appointments:

- 43 a. A ~~flue-cured~~ tobacco farmer.
44 b. A ~~flue-cured~~ tobacco farmer.
45 c. A ~~burley~~ tobacco farmer.
46 d. ~~An at-large appointee.~~
47 e. An at-large appointee.
48 f. An at-large appointee.

49 (3) The Speaker of the House of Representatives shall make the following
50 appointments:

- 51 a. A ~~flue-cured~~ tobacco farmer.

- 1 b. A ~~former flue-cured allotment holder who is not also a flue-cured~~
2 tobacco farmer.
3 c. A ~~burley~~ tobacco farmer.
4 ~~d. An at-large appointee.~~
5 e. An at-large appointee.
6 f. An at-large appointee.

7 It is the intent of the General Assembly that the appointing authorities, in appointing
8 members, shall appoint members who represent the geographic, political, gender, and racial
9 diversity of the State. It is the intent of the General Assembly that at least one-half of the
10 members of the Commission be tobacco farmers.

11 Except as provided for the initial members under subsection (c) of this section, members
12 shall serve four-year terms beginning July 1. No member may serve more than two full
13 consecutive terms. Members may continue to serve beyond their terms until their successors are
14 duly appointed, but any holdover shall not affect the expiration date of the succeeding term.
15 Vacancies shall be filled by the designated appointing authority for the remainder of the
16 unexpired term. A member may be removed from office for cause by the authority that
17 appointed that member.

18 (c) Initial Membership; Staggering. – To provide for a staggered membership, the
19 members initially appointed to the Commission shall be appointed to staggered terms. Of the
20 initial appointments to the Commission, the members initially appointed pursuant to
21 sub-subdivisions ~~(b)(1)a., (1)b., (b)(1)b. and (2)d., and (3)d.~~ of this section shall serve one-year
22 terms ending on ~~June 30, 2001.~~ June 30, 2013. The members initially appointed pursuant to
23 sub-subdivisions (b)(2)c., (2)e., (3)a., and (3)e. shall serve two-year terms ending on ~~June 30,~~
24 ~~2002.~~ June 30, 2014. The members initially appointed pursuant to sub-subdivisions (b)(1)c.,
25 ~~(1)d., (1)e., (2)b., and (3)c.~~ of this section shall serve three-year terms ending ~~June 30, 2003.~~
26 June 30, 2015. The remaining members initially appointed pursuant to subsection (b) of this
27 section shall serve four-year terms ending ~~June 30, 2004.~~ June 30, 2016.

28 ...

29 (f) Quorum; Majority. – ~~Ten~~ Seven members shall constitute a quorum of the
30 Commission. The Commission may act upon a majority vote of the members of the
31 Commission on matters involving the disbursement of funds and personnel matters properly
32 before the Commission. On all other matters, the Commission may act by majority vote of the
33 members of the Commission at a meeting at which a quorum is present.

34 "

36 NORTH CAROLINA INSTITUTE OF MEDICINE, BOARD OF DIRECTORS

37 SECTION 2.31. G.S. 90-470 reads as rewritten:

38 "§ 90-470. Institute of Medicine.

39 The persons appointed under the provisions of this section are declared to be a body politic
40 and corporate under the name and style of the North Carolina Institute of Medicine, and by that
41 name may sue and be sued, make and use a corporate seal and alter the same at pleasure,
42 contract and be contracted with, and shall have and enjoy all the rights and privileges necessary
43 for the purposes of this section. The corporation shall have perpetual succession.

44 The purposes for which the corporation is organized are to:

- 45 (1) Be concerned with the health of the people of North Carolina;
46 (2) Monitor and study health matters;
47 (3) Respond authoritatively when found advisable;
48 (4) Respond to requests from outside sources for analysis and advice when this
49 will aid in forming a basis for health policy decisions.

50 The ~~18~~ Governor shall appoint seven of the initial members of the North Carolina Institute
51 of Medicine beginning July 1, 2012. The General

1 Assembly shall appoint four members, two upon the recommendation of the President Pro
2 Tempore of the Senate and two upon the recommendation of the Speaker of the House of
3 Representatives to an initial term beginning July 1, 2012.

4 The initial members are authorized, prior to expanding the membership, to establish
5 bylaws, to procure facilities, employ a director and staff, to solicit, receive and administer funds
6 in the name of the North Carolina Institute of Medicine, and carry out other activities necessary
7 to fulfill the purposes of this section.

8 The members shall select with the approval of the Governor additional members, so that the
9 total membership will not exceed a number determined by the Board of Directors in its bylaws.
10 The membership should be distinguished and influential leaders from the major health
11 professions, the hospital industry, the health insurance industry, State and county government
12 and other political units, education, business and industry, the universities, and the university
13 medical centers.

14 The North Carolina Institute of Medicine may receive and administer funds from private
15 sources, foundations, State and county governments, federal agencies, and professional
16 organizations.

17 The director and staff of the North Carolina Institute of Medicine should be chosen from
18 those well established in the field of health promotion and medical care.

19 For the purposes of Chapter 55A of the General Statutes, the members appointed under this
20 section shall be considered the initial board of directors.

21 The North Carolina Institute of Medicine is declared to be under the patronage and control
22 of the State.

23 The General Assembly reserves the right to alter, amend, or repeal this section."
24

25 NORTH CAROLINA COUNCIL FOR WOMEN

26 **SECTION 2.32.** G.S. 143B-394 reads as rewritten:

27 "**§ 143B-394. North Carolina Council for Women – members; selection; quorum;**
28 **compensation.**

29 The North Carolina Council for Women of the Department of Administration shall consist
30 of ~~20-11~~ members appointed by the Governor. ~~The initial members of the Council shall be the~~
31 ~~appointed members of the North Carolina Council for Women, three of whose appointments~~
32 ~~expire June 30, 1977, and four of whose appointments expire June 30, 1978. Thirteen~~
33 ~~additional members shall be appointed in 1977, six of whom shall serve terms expiring June 30,~~
34 ~~1978, and seven of whom shall serve terms expiring June 30, 1979. At the ends of the~~
35 ~~respective terms of office of the initial members of the Council and of the 13 members added in~~
36 ~~1977, the appointment of their successors shall be for terms of two years and until their~~
37 ~~successors are appointed and qualify as follows: Seven appointments by the Governor, two~~
38 ~~appointments by the President Pro Tempore of the Senate, and two by the Speaker of the House~~
39 ~~of Representatives. Initial terms for appointments by the Governor shall be for two years. Initial~~
40 ~~appointments by the President Pro Tempore of the Senate and the Speaker of the House of~~
41 ~~Representatives shall be for four years. All subsequent terms shall be for four years. Any~~
42 ~~appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or~~
43 ~~disability of a member shall be for the balance of the unexpired term. Members of the Council~~
44 ~~shall be representative of age, sex, ethnic and geographic backgrounds.~~

45 ~~The Governor shall have the power to remove any member of the Council from office in~~
46 ~~accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.~~
47 ~~The appointing authority shall have the power to remove any member of the Commission~~
48 ~~appointed by that authority from office for misfeasance, malfeasance, and nonfeasance~~
49 ~~according to applicable provisions of law.~~

50 ~~The Governor-Council shall designate a member of the Council to serve as chairman at the~~
51 ~~pleasure of the Governor-chair.~~

1 Members of the Council shall receive per diem and necessary travel and subsistence
2 expenses in accordance with the provisions of G.S. 138-5.

3 A majority of the Council shall constitute a quorum for the transaction of business.

4 All clerical and other services required by the Council shall be supplied by the Secretary of
5 Administration."

6 NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT

7 SECTION 2.33.(a) G.S. 143B-438.10 reads as rewritten:

8 "§ 143B-438.10. Commission on Workforce Development.

9 ...

10
11 (b) Membership; Terms. – The Commission on Workforce Development shall consist
12 of ~~38-25~~ members appointed as follows:

13 (1) By virtue of their offices, the following department and agency heads or
14 their respective designees shall serve on the Commission: the Secretary of
15 the Department of Health and Human Services, ~~the Assistant Secretary of~~
16 ~~Commerce in charge of the Division of Employment Security, the Secretary~~
17 ~~of the Department of Administration, the Superintendent of Public~~
18 ~~Instruction, the President of the Community Colleges System Office, the~~
19 ~~Commissioner of the Department of Labor, and the Secretary of the~~
20 ~~Department of Commerce.~~

21 (2) The Governor shall appoint ~~32-19~~ members as follows:

- 22 a. ~~Six-Two~~ members representing public, postsecondary, and vocational
23 education.
24 b. ~~Two members~~ One member representing a community-based
25 ~~organizations.~~ organization.
26 c. ~~Six-Three~~ members representing labor.
27 d. ~~Eighteen-Thirteen~~ members representing business and industry.

28 (3) The terms of the members appointed by the Governor shall be for four years.

29"

30 SECTION 2.33.(b) This section shall be effective January 1, 2013.

31 ENVIRONMENTAL MANAGEMENT COMMISSION

32 SECTION 2.34.(a) G.S. 143B-283 reads as rewritten:

33 "§ 143B-283. Environmental Management Commission – members; selection; removal;
34 compensation; quorum; services.

35
36 (a) Membership. – The Environmental Management Commission shall consist of
37 ~~13~~ seven members appointed by the Governor. The Governor shall select the members so that
38 the membership of the Commission shall consist of:

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

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

17 (b) Terms. – Members appointed by the Governor shall serve terms of office of six
18 years. Any appointment to fill a vacancy on the Commission created by the resignation,
19 dismissal, death or disability of a member shall be for the balance of the unexpired term. The
20 Governor may reappoint a member of the Commission to an additional term if, at the time of
21 the reappointment, the member qualifies for membership on the Commission under subsection
22 (a) of this section.

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

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

28 (b3) Quorum. – A majority of the Commission shall constitute a quorum for the
29 transaction of business.

30 (b4) Staff. – All clerical and other services required by the Commission shall be supplied
31 by the Secretary of Environment and Natural Resources.

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

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

48 **SECTION 2.34.(b)** G.S. 143B-284 reads as rewritten:

49 **"§ 143B-284. Environmental Management Commission – officers.**

50 The Environmental Management Commission shall have a ~~chairman~~ chair and a
51 ~~vice chairman~~ vice-chair. The ~~chairman~~ Commission shall be designated by the Governor

1 ~~designate a chair from among the members of the Commission to serve as chairman at the~~
2 ~~pleasure of the Governor.~~Commission. The ~~vice-chairman~~vice-chair shall be elected by and
3 from the members of the Commission and shall serve for a term of two years or until the
4 expiration of his regularly appointed term whichever comes first."
5

6 **EFFECTIVE DATE FOR SUBPART B**

7 **SECTION 2.35.** Unless otherwise provided, this Subpart becomes effective July 1,
8 2012. If the terms of office being eliminated in this Subpart have not been set out by this act,
9 then the appointing authorities shall determine by August 1, 2012, which terms to eliminate to
10 achieve the membership totals pursuant to this Subpart. After determining which terms to
11 eliminate, the appointing authority shall notify in writing all the persons and entities required to
12 receive notification pursuant to G.S. 143-47.7.
13

14 **PART III. MISCELLANEOUS AND CONFORMING CHANGES**

15 **E-NC AUTHORITY**

16 **SECTION 3.1.** Section 1.16 of S.L. 2011-176 and Section 3.6 of S.L. 2011-406 are
17 repealed.
18
19

20 **EARLY CHILDHOOD VISION CONFORMING CHANGE**

21 **SECTION 3.2.** G.S. 130A-440.1 reads as rewritten:
22 "**§ 130A-440.1. Early Childhood Vision Care.**

23 ...
24 (f) No child shall be excluded from attending school for a parent's failure to obtain a
25 comprehensive eye examination required under this section. If a parent fails or refuses to obtain
26 a comprehensive eye examination or to provide the certification of a comprehensive eye
27 examination, the school shall send a written reminder to the parent of required eye
28 ~~examinations and shall include information about funds that may be available from the~~
29 ~~Governor's Commission on Early Childhood Vision Care.~~examinations.
30"
31

32 **EMPLOYEE HOSPITAL AND MEDICAL BENEFITS**

33 **SECTION 3.3.** G.S. 58-50-180 reads as rewritten:
34 "**§ 58-50-180. Risk Pool established; board of directors; plan of operation.**

35 ...
36 (g) The Executive Director shall make an annual report to the Speaker of the House of
37 Representatives, the President Pro Tempore of the Senate, the Commissioner, and the Joint
38 Legislative Oversight Committee on Health and Human ~~Services, and the Committee on~~
39 ~~Employee Hospital and Medical Benefits.~~Services. The report shall summarize the activities of
40 the Pool in the preceding calendar year, including the net written and earned premiums, benefit
41 plan enrollment, the expense of administration, and the paid and incurred losses.
42"
43

44 **NORTH CAROLINA CEMETERY COMMISSION**

45 **SECTION 3.4.(a)** G.S. 65-49 reads as rewritten:
46 "**§ 65-49. The North Carolina Cemetery Commission.**

47 ~~There is hereby established in the Department of Commerce a~~The North Carolina
48 Cemetery Commission is established with the power and duty to adopt rules and regulations to
49 be followed in the enforcement of this Article."
50

51 **SECTION 3.4.(b)** G.S. 65-50 reads as rewritten:
"**§ 65-50. Cemetery Commission; members, selection, quorum.**

1 (a) Membership. – The Cemetery Commission shall consist of nine members. The
2 General Assembly shall appoint two ~~members,~~members who own or manage a cemetery in
3 North Carolina, one of whom shall be recommended by the President Pro Tempore of the
4 Senate and one of whom shall be recommended by the Speaker of the House of
5 Representatives. The Governor shall appoint seven members as follows:

6 (1) Two members who own or manage cemeteries in North Carolina.

7 (2) Three members who are selected from six nominees submitted by the North
8 Carolina Cemetery Association.

9 (3) Two public members who have no financial interest in, and are not involved
10 in management of, any cemetery or funeral related business.

11 (b) Terms. – Four members of the initial Commission shall be appointed for a term to
12 expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976.
13 At the end of the respective terms of office of the initial members of the Commission, their
14 successors shall be nominated in the same manner, selected from the same categories and
15 appointed for terms of four years and until their successors are appointed and qualified. ~~Any~~
16 ~~appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or~~
17 ~~disability of a member shall be for the balance of the unexpired term.~~

18 (b1) Any vacancy shall be filled by the authority originally filling that position, except
19 that any vacancy in appointments by the General Assembly shall be filled in accordance with
20 G.S. 120-122.

21 (c) Removal. – The appointing authority shall have the power to remove any member of
22 the Commission appointed by that authority from office for misfeasance, malfeasance and
23 nonfeasance according to applicable provisions of law.

24 (d) Quorum. – A majority of the Commission shall constitute a quorum for the
25 transaction of business.

26 (e) ~~Chair, Officers.~~ – At the first meeting of the Commission held after September 1,
27 1975, the Commission shall elect one of its members as its ~~chairman~~chair and another as its
28 ~~vice chairman,~~vice-chair, both to serve through June 30 of the next following year. Thereafter,
29 at its first meeting held on or after July 1 of each year, the Commission shall elect from its
30 members a ~~chairman and vice chairman to serve through June 30 of the next following~~
31 ~~year~~president, vice president, and secretary-treasurer with no two offices to be held by the
32 same person. All officers shall serve for a term of one year and shall serve until their successors
33 are elected and qualified."

34 **SECTION 3.4.(c)** G.S. 65-51 reads as rewritten:

35 "**§ 65-51. Principal office.**

36 The principal office of the Commission shall be in the City of Raleigh, North Carolina.
37 Notice of all regular and special meetings of the Commission shall be advertised 10 or more
38 days in advance in at least three newspapers in North Carolina having inter-county circulation
39 in the State. Each member of the Commission shall receive per diem and allowances in
40 accordance with ~~G.S. 138-5.~~G.S. 93B-5. ~~The administrator~~Members of the
41 ~~Commission,~~Commission and other employees required to attend and legal counsel to the
42 Commission shall be entitled to actual expenses while attending regular or special meetings of
43 the Commission held other than in Raleigh, North Carolina. All salaries, compensation, and
44 expenses of the Commission shall be paid from funds coming to the Commission pursuant to
45 this Article. In no case shall any salary, compensation, or other expense of the Commission be
46 charged against the General Fund."

47 **SECTION 3.4.(d)** G.S. 65-53 reads as rewritten:

48 "**§ 65-53. Powers.**

49 In addition to other powers conferred by this Article, the Cemetery Commission shall have
50 the following powers and duties:

- 1 (1) ~~The administrator shall be appointed by the Governor upon recommendation~~
2 ~~of the Cemetery Commission. The compensation of the administrator and~~
3 ~~such other personnel as is necessary to operate the Commission is subject to~~
4 ~~the provisions of Chapter 126 of the General Statutes of North Carolina. The~~
5 ~~Commission is authorized and empowered to~~To employ such staff, including
6 ~~legal counsel, as may be necessary.~~necessary to perform its duties and
7 ~~determine the compensation of its employees.~~
- 8 (2) To examine a cemetery company's records when a person applies for a
9 change of control of the company.
- 10 (3) Investigate, upon its own initiative or upon a verified complaint in writing,
11 the actions of any person engaged in the business or acting in the capacity of
12 a licensee under this Article. The license of a licensee may be revoked or
13 suspended for a period not exceeding two years, or until compliance with a
14 lawful order imposed in the final order of suspension, or both, where the
15 licensee in performing or attempting to perform any of the acts specified in
16 this Article has been guilty of:
- 17 a. Failing to pay the fees required herein;
18 b. Failing to make any reports required by this Article;
19 c. Failing to remit to the care and maintenance trust fund, merchandise
20 trust fund, or preconstruction trust fund the required amounts;
21 d. Making any substantial misrepresentation;
22 e. Making any false statement of a character likely to influence or
23 persuade;
24 f. A continued and flagrant course of misrepresentation or making of
25 false promises through cemetery agents or salesmen;
26 g. Violating any provision of this Article or rule promulgated by the
27 Commission; or
28 h. Any other conduct, whether of the same or a different character than
29 specified in this section, which constitutes fraud or dishonest dealing.
- 30 (4) ~~In all proceedings under this Article for the revocation or suspension of~~
31 ~~licenses, the provisions of Chapter 150B of the General Statutes shall be~~
32 ~~applicable.~~To hold hearings in accordance with the provisions of this Article
33 ~~and Article 3A of Chapter 150B of the General Statutes to subpoena~~
34 ~~witnesses and to administer oaths to or receive the affirmation of witnesses~~
35 ~~before the Commission.~~
- 36 In any show cause hearing before the Commission held under the
37 authority of Article 3A of Chapter 150B of the General Statutes where the
38 Commission imposes discipline against a licensee, the Commission may
39 recover the costs, other than attorneys' fees, of holding the hearing against all
40 respondents jointly, not to exceed two thousand five hundred dollars
41 (\$2,500).
- 42 (5) ~~At such time as the Commission finds it necessary it may bring an action in~~
43 ~~the name of the State in the court of the county in which the place of~~
44 ~~business is located against such person to enjoin such person from engaging~~
45 ~~in or continuing such violation or doing any act or acts in furtherance~~
46 ~~thereof.~~To apply to the courts, in its own name, for injunctive relief to
47 ~~prevent violations of this Article or violations of any rules adopted pursuant~~
48 ~~to this Article. Any court may grant injunctive relief regardless of whether~~
49 ~~criminal prosecution or any other action is instituted as a result of the~~
50 ~~violation. A single violation is sufficient to invoke the injunctive relief under~~
51 ~~this subdivision. In any such action, an order or judgment may be entered~~

1 awarding such temporary or permanent injunction as may be deemed proper;
2 provided, that before any such action is brought the Commission shall give
3 the cemetery at least 20 days' notice in writing, stating the alleged violation
4 and giving the cemetery an opportunity within the 20-day period to cure the
5 violation. In addition to all other means provided by law for the enforcement
6 of a temporary restraining order, temporary injunction, or permanent
7 injunction, the court shall have the power and jurisdiction to impound and to
8 appoint a receiver for the property and business of the defendant, including
9 books, papers, documents, and records appertaining thereto or so much
10 thereof as the court may deem reasonably necessary to prevent further
11 violation of this Article through or by means of the use of said property and
12 business. The Commission may institute proceedings against the cemetery or
13 its officers, whereafter an examination, pursuant to this Article, a shortage in
14 the care and maintenance trust fund, merchandise trust fund or mausoleum
15 and belowground crypts preconstruction trust fund is discovered, to recover
16 said shortage.

17 (6) Whenever any special additional audit or examination of a licensee's
18 premises, facilities, books or records is necessary because of the failure of
19 the licensee to comply with the requirements imposed in this Article or by
20 the rules and regulations of the Commission, to charge a fee based on the
21 cost of the special examination or audit, taking into consideration the salary
22 of any employees involved in the special audit or examination and any
23 expenses incurred.

24 (7) ~~Promulgate~~ To promulgate rules and regulations requiring licensees to file
25 with the Commission plans and specifications for the minimum quality of
26 any product sold. The sale of any product for which plans and specifications
27 required by the rules and regulations have not been filed or sale of any
28 product of a lesser quality than the plans and specifications filed with the
29 Commission is a violation of this Article.

30 (8) When the Commission finds that failure by a licensee to maintain a cemetery
31 properly has caused that cemetery to be a public nuisance or a health or
32 safety hazard, the Commission may bring an action for injunctive relief,
33 against the responsible licensee, in the superior court of the county in which
34 the cemetery or any part thereof is located.

35 (9) To acquire, hold, rent, encumber, alienate, and otherwise deal with real
36 property in the same manner as a private person or corporation, subject only
37 to approval of the Governor and Council of State. Collateral pledged by the
38 Commission for an encumbrance is limited to the assets, incomes, and
39 resources of the Commission.

40 (10) To purchase, rent, or lease equipment and supplies and purchase liability
41 insurance to cover the activities of the Commission, its operations, or its
42 employees."

43 **SECTION 3.4.(e)** Article 9 of Chapter 65 of the General Statutes is amended by
44 adding a new section to read:

45 **"§ 65-53.1. Inspectors.**

46 (a) The Commission may appoint one or more agents who shall serve at the pleasure of
47 the Commission and who shall have the title "Inspector of the North Carolina Cemetery
48 Commission."

49 (b) To determine compliance with the provisions of this Article and regulations
50 promulgated under this Article, inspectors may do the following:

1 (1) Enter the office, establishment, or place of business in North Carolina of any
2 cemetery broker, cemetery company, cemetery management organization,
3 cemetery sales organization, or pre-need sales licensee to inspect the records,
4 office, establishment, or facility or to inspect the practice conducted or
5 license of any licensee.

6 (2) Inspect criminal and probation records of licensees and applicants for
7 licenses under this Article to obtain evidence of their character.

8 (c) Inspectors may serve papers and subpoenas issued by the Commission or any office
9 or member thereof under authority of this Article and shall perform other duties prescribed or
10 ordered by the Commission.

11 (d) The Commission may prescribe an inspection form to be used by the inspectors in
12 performing their duties.

13 (e) Upon request by the Commission, the Attorney General of North Carolina shall
14 provide the inspectors with appropriate identification cards signed by the Attorney General or
15 his or her designated agent. In lieu of identification cards, the Commission may design and
16 issue badges to inspectors."

17 **SECTION 3.4.(f)** Article 9 of Chapter 65 of the General Statutes is amended by
18 adding a new section to read:

19 "**§ 65-54.1. Commission records are confidential.**

20 Records, papers, and other documents containing information collected or compiled by the
21 Commission, its members, or employees, as a result of a complaint, investigation, inquiry, or
22 interview in connection with an application for license, or in connection with a license holder's
23 professional ethics and conduct, shall not be considered public records within the meaning of
24 Chapter 132 of the General Statutes. Any notice or statement of charges against a license holder
25 or applicant, or any notice to a license holder or applicant of a hearing to be held by the
26 Commission, is a public record even though it may contain information collected and compiled
27 as a result of a complaint, investigation, inquiry, or interview conducted by the Commission. If
28 any record, paper, or other document containing information collected and compiled by the
29 Commission is admitted into evidence in a hearing held by the Commission, it shall then be a
30 public record within the meaning of Chapter 132 of the General Statutes."

31 **SECTION 3.4.(g)** G.S. 143B-433(1) reads as rewritten:

32 "**§ 143B-433. Department of Commerce – organization.**

33 The Department of Commerce shall be organized to include:

34 (1) The following agencies:

- 35 a. The North Carolina Alcoholic Beverage Control Commission.
- 36 b. The North Carolina Utilities Commission.
- 37 c. Repealed by Session Laws 2011-401, s. 1.5, effective November 1,
38 2011.
- 39 d. The North Carolina Industrial Commission.
- 40 e. State Banking Commission.
- 41 f. Savings Institutions Division.
- 42 g. Repealed by Session Laws 2001-193, s. 11, effective July 1, 2001.
- 43 h. Credit Union Commission.
- 44 i. Repealed by Session Laws 2004-199, s. 27(d), effective August 17,
45 2004.
- 46 j. The North Carolina Mutual Burial Association Commission.
- 47 ~~k. North Carolina Cemetery Commission.~~
- 48 l. The North Carolina Rural Electrification Authority.
- 49 m. Repealed by Session Laws 1985, c. 757, s. 179(d).
- 50 n. North Carolina Science and Technology Research Center.

- 1 o. Repealed by Session Laws 2011-145, s. 14.6(g), effective July 1,
2 2011.
- 3 p. Repealed by Session Laws 2010-180, s. 7(f), effective August 2,
4 2010.
- 5 q. Economic Development Board.
- 6 r. Labor Force Development Council.
- 7 s., t. Repealed by Session Laws 2000, c. 140, s. 76.(j), effective
8 September 30, 2000.
- 9 u. Navigation and Pilotage Commissions established by Chapter 76 of
10 the General Statutes.
- 11 v. Repealed by Session Laws 1993, c. 321, s. 313b."

12 **SECTION 3.4.(h)** Section 14.7(a) of S.L. 2011-145 reads as rewritten:

13 **"SECTION 14.7.(a)** In consultation with the Fiscal Research Division, the Department of
14 Commerce and the ABC Commission, State Banking Commission, Credit Union Division,
15 ~~Cemetery Commission~~, Utilities Commission, Utilities Commission Public Staff, and the Rural
16 Electrification Authority shall study the following: (i) the types of services provided by the
17 Department of Commerce to each of the agencies during each fiscal year; and (ii) formulas or
18 methods to be used to determine the costs of the services, including the advantages and
19 disadvantages of each formula or method. The Department of Commerce and each of the
20 agencies shall prepare a joint recommendation as to which formula or method to determine the
21 costs of the services should be used. In addition, the Department of Commerce and each of the
22 agencies shall develop a memorandum of understanding that details the services to be provided
23 by the Department of Commerce during each fiscal year."

24 **SECTION 3.4.(i)** This section is effective when it becomes law.

25
26 **DIRECTOR OF THE MUSEUM OF ART**

27 **SECTION 3.5.** G.S. 140-5.15 reads as rewritten:

28 **"§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties;
29 staff.**

30 (a) ~~The Secretary of Cultural Resources~~ Director's Committee shall appoint the Director
31 of the North Carolina Museum of Art ~~from a list of not fewer than two nominees recommended~~
32 ~~by the Board of Trustees of the North Carolina Museum of Art and may dismiss the Director.~~
33 The Director's Committee shall evaluate the performance of the Director and shall determine
34 the Director's compensation within the limitations of available funding.

35 (b) ~~The Secretary of Cultural Resources may dismiss the Director unless two thirds of~~
36 ~~the authorized membership of the Board of Trustees shall vote to reverse that action in~~
37 ~~accordance with the following procedure: Upon dismissal of the Director, the Secretary shall~~
38 ~~give to the chairman of the Board of Trustees written notice of that action. This notice shall be~~
39 ~~sent to the chairman of the Board within 10 days after the Secretary makes a final decision on~~
40 ~~dismissal. The chairman shall promptly communicate the notice of dismissal to all other Board~~
41 ~~members. Board action to consider reversal of the Secretary's decision shall be taken at a~~
42 ~~regular or special meeting called pursuant to G.S. 140-5.13(h). Reversal of the Secretary's order~~
43 ~~of dismissal may be effected only by resolution adopted by an affirmative vote of two thirds of~~
44 ~~the authorized membership of the Board of Trustees at a meeting held within 30 days after the~~
45 ~~chairman of the Board receives from the Secretary written notice of dismissal of the Director.~~
46 ~~All ex-officio members of the Board shall be entitled to vote on this question. The failure of~~
47 ~~two thirds of the authorized membership of the Board of Trustees to vote to reverse the~~
48 ~~Secretary's order of dismissal within 30 days after the chairman of the Board receives from the~~
49 ~~Secretary written notice of dismissal of the Director shall be deemed an affirmance of that~~
50 ~~order by the Board.~~

51 (b1) The Director's Committee shall consist of the following members:

- 1 (1) The Secretary of Cultural Resources.
- 2 (2) The Chair of the Board of Trustees of the North Carolina Museum of Art.
- 3 (3) One member designated by the Board of Trustees of the North Carolina
- 4 Museum of Art.
- 5 (4) The President of the Board of Directors of the North Carolina Museum of
- 6 Art Foundation, Inc., or other designated representative of the Board.
- 7 (5) One member designated by the Board of the North Carolina Museum of Art
- 8 Foundation, Inc.
- 9 (c) The State-funded portion of the salary of the Director shall be fixed by the General
- 10 Assembly in the Current Operations Appropriations Act.
- 11 (d) The Director shall have the following powers and duties:
- 12 (1) Under the supervision of the Board of Trustees, to direct and administer the
- 13 North Carolina Museum of Art in accordance with the policies, rules, and
- 14 regulations adopted by the Board of Trustees;
- 15 (2) To employ such persons as are necessary to perform the functions of the
- 16 North Carolina Museum of Art and are provided for in the budget of the
- 17 Museum and to promote, demote, and dismiss such persons in accordance
- 18 with State personnel policies, rules, and regulations. This paragraph shall not
- 19 apply to associate directors and curators;
- 20 (3) To serve as director of collections of the North Carolina Museum of Art;
- 21 (4) To serve as Secretary to the Board of Trustees.
- 22 (e) The Director, associate directors, and curators shall be exempt from the provisions
- 23 of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the
- 24 Secretary of Cultural Resources, rules and regulations governing the employment, promotion,
- 25 demotion, and dismissal of associate directors and curators."

NORTH CAROLINA BOARD OF LICENSING OF SOIL SCIENTISTS

SECTION 3.6. G.S. 89F-25 reads as rewritten:

"§ 89F-25. Fees.

(a) The Board shall determine fees for the following services that shall not exceed the amounts specified in this section:

Application	\$ 50.00
Examination	125.00
License	85.00
Renewal	85.00
Restoration	110.00
Replacement license	50.00
Seal	30.00.

(b) Examination fees shall not exceed the national exam fee as set by the examination vendor selected by the Board."

STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

SECTION 3.7. G.S. 87-39(a) reads as rewritten:

"(a) The State Board of Examiners of Electrical Contractors shall continue as the State agency responsible for the licensing of persons engaging in electrical contracting within this State, and shall consist of eight members appointed as follows:

- (1) ~~one~~ One member from the North Carolina Department of Insurance to be designated by the Commissioner of ~~Insurance; Insurance.~~
- (2) ~~one member~~ Two members who ~~has~~ have satisfied the requirements for an unlimited license as defined in ~~G.S. 87 43.3~~ G.S. 87.43.3 ~~and who is a~~ representative G.S. 87.43.3, are actively engaged in the business of electrical

1 contracting, and are representatives of the North Carolina Association of
 2 Electrical Contractors to be designated by the governing body of that
 3 organization;organization.

4 (3) Two members who have satisfied the requirements for an unlimited license
 5 as defined in G.S. 87-43.3, are actively engaged in the business of electrical
 6 contracting, and are representatives of the Carolinas Electrical Contractors
 7 Association to be designated by the governing body of that organization.

8 (4) ~~and five~~ Three members to be appointed by the Governor:

9 a. ~~one~~ One from the faculty of The Greater University of North
 10 Carolina who teaches or does research in the field of electrical
 11 ~~engineering,engineering.~~

12 b. ~~one~~ One who is serving as a chief electrical inspector of a
 13 municipality or county in North Carolina, ~~one who has satisfied the~~
 14 ~~requirements for an unlimited license as defined in G.S. 87 43.3 and~~
 15 ~~who is a representative of the Carolinas Electrical Contractors~~
 16 ~~Association operating a sole proprietorship, partnership or~~
 17 ~~corporation located in North Carolina which is actively engaged in~~
 18 ~~the business of electrical contracting, and~~ Carolina.

19 c. ~~two~~ One who ~~have~~ has no ties with the construction industry and who
 20 ~~represent~~ represents the interest of the public at large."

21 BOARD OF FUNERAL SERVICE

22 **SECTION 3.8.** Article 13A of Chapter 90 of the General Statutes is amended by
 23 adding a new section to read:

24 **"§ 90-210.25B. Persons who shall not be licensed under this Article.**

25 (a) The board shall not issue or renew any licensure, permit, or registration to any
 26 person or entity who has been convicted of a sexual offense against a minor.

27 (b) For purposes of this Article, the term "sexual offense against a minor" means a
 28 conviction of any of the following offenses: G.S. 14-27.4A(a) (sex offense with a child; adult
 29 offender), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years
 30 old where the defendant is at least six years older), G.S. 14-190.16 (first-degree sexual
 31 exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor),
 32 G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting
 33 prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1
 34 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or
 35 certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking
 36 indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act
 37 of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual
 38 act upon a juvenile by parent or guardian). The term shall also include a conviction of the
 39 following: any attempt, solicitation, or conspiracy to commit any of these offenses or any
 40 aiding and abetting any of these offenses. The term shall also include a conviction in another
 41 jurisdiction for an offense which if committed in this State has the same or substantially similar
 42 elements to an offense against a minor as defined by this section.

43 (c) If a person or entity holding a license, permit, or registration in another jurisdiction
 44 has the license revoked, suspended, or placed on probation because of a felony conviction other
 45 than those enumerated above, the board shall impose a sanction equal to or greater than to the
 46 sanction imposed by the other jurisdiction.

47 (d) If a person or entity holding a license, permit, or registration in another jurisdiction
 48 has the license revoked, suspended, or placed on probation because of conduct related to fitness
 49 to practice as described in G.S. 90-210.25(e), the board shall impose a sanction equal to or
 50 greater than the sanction imposed by the other jurisdiction."
 51

ROANOKE RIVER BASIN BI-STATE COMMISSION

SECTION 3.9.(a) G.S. 77-92 reads as rewritten:

"§ 77-92. Membership; terms of office; eligibility for appointment.

(a) The Roanoke River Basin Bi-State Commission shall consist of 18 members with each state appointing nine members. The North Carolina delegation to the Commission shall consist of ~~the six members of the General Assembly of North Carolina appointed the following~~ members:

- (1) Three members of the North Carolina House of Representatives appointed by the Speaker of the House of Representatives.
- (2) Three members of the North Carolina Senate appointed by the President Pro Tempore of the Senate. ~~to the North Carolina Roanoke River Basin Advisory Committee and three~~
- (3) Three nonlegislative members of the North Carolina Roanoke River Basin Advisory Committee, established pursuant to G.S. 77-103, who represent different geographical areas of the North Carolina portion of the Basin and who reside within the Basin's watershed, to be appointed by the Governor of North Carolina.
- (4) The Virginia delegation to the Commission shall be appointed as determined by the Commonwealth of Virginia.

...."

SECTION 3.9.(b) G.S. 77-93 reads as rewritten:

"§ 77-93. Powers and duties.

...

(b) To perform its duties and objectives, the Commission shall have the following powers:

...

- (2) To establish standing and ad hoc advisory committees pursuant to G.S. 77-94 ~~in addition to the North Carolina Roanoke River Basin Advisory Committee established pursuant to Part 2 of this Article~~ and the Virginia Roanoke River Basin Advisory Committee established pursuant to Chapter 5.4 of Title 62.1 of the Code of Virginia, which shall be constituted in a manner to ensure a balance between recognized interests. The Commission shall determine the purpose of each advisory committee.

...."

MARINE FISHERIES COMMISSION

SECTION 3.10. G.S. 143B-289.52 reads as rewritten:

"§ 143B-289.52. Marine Fisheries Commission – powers and duties.

...

(e1) A supermajority of the Commission shall be six members. A supermajority shall be necessary to override recommendations from the Division of Marine Fisheries regarding measures needed to end overfishing or to rebuild overfished stocks."

PART IV. EFFECTIVE DATE.

SECTION 4.1. The Revisor of Statutes is authorized to make conforming changes necessary to correct any reference or citations in the General Statutes that is amended by this act by deleting the incorrect references and substituting correct references.

SECTION 4.2. Unless otherwise provided, this act is effective when it becomes law.