

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS75144-LR-80D* (03/06)

Short Title: SPA/Exempt Certain ITS/OSP Employees. (Public)

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

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE STATE PERSONNEL ACT TO EXEMPT FROM ITS
3 COVERAGE CERTAIN EMPLOYEES OF THE OFFICE OF INFORMATION
4 TECHNOLOGY SERVICES AND THE OFFICE OF STATE PERSONNEL.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 126-5(d)(1) reads as rewritten:

- 7 "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this
8 Chapter, which is known as the State Personnel Act, the Governor may
9 designate a total of 1,000 exempt positions throughout the following
10 ~~departments:~~departments and offices:
11 a. Department of Administration.
12 b. Department of Commerce.
13 c. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012,
14 and by Session Laws 2012-142, s. 25.2E(a), effective January 1,
15 2013.
16 d. Department of Public Safety.
17 e. Department of Cultural Resources.
18 f. Department of Health and Human Services.
19 g. Department of Environment and Natural Resources.
20 h. Department of Revenue.
21 i. Department of Transportation.
22 j. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012,
23 and by Session Laws 2012-142, s. 25.2E(a), effective January 1,
24 2013.
25 k. Office of Information Technology Services.
26 l. Office of State Personnel.

27 Notwithstanding the provisions of this subdivision or the other requirements of this
28 subsection, the Governor may at any time designate up to one percent (1%) of the total number
29 of full-time positions in the Department of Public Safety, not to exceed 100 positions, as
30 exempt managerial positions. Notwithstanding the provisions of this subdivision, or the other
31 requirements of this subsection, the Governor may at any time increase by five the number of
32 exempt policy-making positions at the Department of Public Safety, but at no time shall the
33 total number of exempt policy-making positions exceed 105."

34 **SECTION 2.** G.S. 147-33.77(a) reads as rewritten:

35 "(a) The State Chief Information Officer may appoint a Chief Deputy Information
36 Officer. The salary of the Chief Deputy Information Officer shall be set by the State Chief



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1 Information Officer. The State Chief Information Officer may appoint all employees, including
2 legal counsel, necessary to carry out the powers and duties of the office. These employees shall
3 be subject to the State Personnel ~~Act~~Act, except that employees in positions designated as
4 exempt under G.S. 126-5(d)(1) are not subject to the Act, in accordance with the provisions of
5 that section."

6 **SECTION 3.** The provisions of G.S. 126-5(e) shall not apply as to positions that
7 may be designated as exempt by the Governor under the authority provided in this act.

8 **SECTION 4.** This act is effective when it becomes law.