

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 10
PROPOSED COMMITTEE SUBSTITUTE S10-PCS15046-RW-1

Short Title: Government Reorganization and Efficiency Act.

(Public)

Sponsors:

Referred to:

January 31, 2013

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT
3 OF 2013.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS**
7 **THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED**
8 **CRITICAL TO GOVERNMENT OPERATIONS**

9
10 **DIETETICS/NUTRITION BOARD**

11 **SECTION 1.1.(a)** Effective March 31, 2013, Article 25 of Chapter 90 of the
12 General Statutes, G.S. 90-350 through 90-370, is repealed.

13 **SECTION 1.1.(b)** Effective March 31, 2013, G.S. 90-18(c)(15) is repealed.

14 **SECTION 1.1.(c)** Effective March 31, 2013, G.S. 143B-216.60 reads as rewritten:

15 **"§ 143B-216.60. The Justus-Warren Heart Disease and Stroke Prevention Task Force.**

16 ...

17 (b) The Task Force shall have 27 members. The Governor shall appoint the Chair, and
18 the Vice-Chair shall be elected by the Task Force. The Director of the Department of Health
19 and Human Services, the Director of the Division of Medical Assistance in the Department of
20 Health and Human Services, and the Director of the Division of Aging in the Department of
21 Health and Human Services, or their designees, shall be members of the Task Force.
22 Appointments to the Task Force shall be made as follows:

23 ...

24 (2) By the General Assembly upon the recommendation of the Speaker of the
25 House of Representatives, as follows:

- 26 a. Three members of the House of Representatives;
27 b. A stroke survivor;
28 c. A county commissioner;
29 d. A licensed dietitian/nutritionist; person who specializes in dietetics
30 and nutrition;
31 e. A pharmacist; and
32 f. A registered nurse.

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LOTTERY OVERSIGHT COMMISSION

SECTION 1.2.(a) G.S. 18C-172 is repealed.

SECTION 1.2.(b) G.S. 18C-115 reads as rewritten:

"§ 18C-115. Reports.

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

SMALL BUSINESS CONTRACTOR AUTHORITY

SECTION 1.3. Part 20 of Article 10 of Chapter 143B of the General Statutes, G.S. 143B-472.100 through G.S. 143B-472.112, is repealed.

COMMITTEE ON DROPOUT PREVENTION

SECTION 1.4. Article 6B of Chapter 115C of the General Statutes, G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.

STATE EDUCATION COMMISSION ESTABLISHED IN CHAPTER 116C OF THE GENERAL STATUTES

SECTION 1.5.(a) G.S. 116C-1 reads as rewritten:

"§ 116C-1. Education Cabinet created.

...

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

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

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

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

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

...."

SECTION 1.5.(b) G.S. 116C-2 is repealed.

STATE EDUCATION COMMISSION ESTABLISHED IN ARTICLE 26 OF CHAPTER 143 OF THE GENERAL STATUTES

SECTION 1.6. Article 26 of Chapter 143 of the General Statutes, G.S. 143-261 through G.S. 143-266, is repealed.

NATIONAL HERITAGE AREA DESIGNATION COMMISSION

SECTION 1.7. Section 18.10 of S.L. 2001-491 reads as rewritten:

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

GOVERNOR'S MANAGEMENT COUNCIL

SECTION 1.8. Part 24 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.22, is repealed.

CENTER FOR NURSING

SECTION 1.9. G.S. 90-171.71 and G.S. 90-171.72 are repealed.

BOARD OF CORRECTION

SECTION 1.10.(a) G.S. 143B-711 reads as rewritten:

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

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

SECTION 1.10.(b) G.S. 143B-715 is repealed.

BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS

SECTION 1.11.(a) Part 22 of Article 9 of Chapter 143B of the General Statutes is repealed.

SECTION 1.11.(b) G.S. 120-123(4) is repealed.

BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II SETTLEMENT FUNDS

SECTION 1.12. Board of Directors of the Certification Entity for Phase II Settlement Funds, established pursuant to S.L. 1999-333, is abolished.

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

SECTION 1.13. The following session laws are repealed:

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

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

SECTION 2.1. G.S. 113A-104 reads as rewritten:

"§ 113A-104. Coastal Resources Commission.

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

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

- ~~(1) One who shall at the time of appointment be actively connected with or have experience in commercial fishing.~~
- ~~(2) One who shall at the time of appointment be actively connected with or have experience in wildlife or sports fishing.~~
- ~~(3) One who shall at the time of appointment be actively connected with or have experience in marine ecology.~~

- ~~(4) One who shall at the time of appointment be actively connected with or have experience in coastal agriculture.~~
- ~~(5) One who shall at the time of appointment be actively connected with or have experience in coastal forestry.~~
- ~~(6) One who shall at the time of appointment be actively connected with or have experience in coastal land development.~~
- ~~(7) One who shall at the time of appointment be actively connected with or have experience in marine-related business (other than fishing and wildlife).~~
- ~~(8) One who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area.~~
- ~~(9) One who shall at the time of appointment be actively associated with a State or national conservation organization.~~
- ~~(10) One who shall at the time of appointment be actively connected with or have experience in financing of coastal land development.~~
- ~~(11) Two who shall at the time of appointment be actively connected with or have experience in local government within the coastal area.~~
- ~~(12) Three at-large members.~~

(b1) Composition. – The Coastal Resources Commission shall consist of 11 members. Two at-large members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and two at-large members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. Seven members shall be appointed by the Governor, as follows:

- (1) Two who shall at the time of appointment be coastal property owners or experienced in land development.
- (2) One who shall at the time of appointment be actively connected with or have experience in coastal-related business.
- (3) Two who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area or a marine related science.
- (4) One who shall serve at-large.
- (5) One who shall at the time of appointment be actively connected with or have experience in local government within the coastal area.

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

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

~~The remaining members of the Commission shall be appointed by the Governor after completion of the nominating procedures prescribed by subsection (d) of this section. The members of the Commission whose qualifications are described in subdivisions (1) through (5), (9), and (11), shall be persons who do not derive any significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as~~

1 ~~agents for development-related business activities. The Governor shall require adequate~~
2 ~~disclosure of potential conflicts of interest by members. The Governor, by executive order,~~
3 ~~shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining~~
4 ~~the eligibility of persons under this section.~~

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

39 ~~(e) Residential Qualifications. — All nominees of the several boards of county~~
40 ~~commissioners and city governing bodies must reside within the coastal area, but need not~~
41 ~~reside in the county from which they were nominated. No more than one of those members~~
42 ~~appointed by the Governor from among said nominees may reside in a particular county. No~~
43 ~~more than two members of the entire Commission, at any time, may reside in a particular~~
44 ~~county. No more than two members of the entire Commission, at any time, may reside outside~~
45 ~~the coastal area.~~

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

50 ~~(g) Terms. — The members shall serve staggered terms of office of four years. The terms~~
51 ~~of all Commission members serving on the Commission on January 1, 2013, shall expire when~~

1 this subsection becomes law. A new Commission of 11 members shall be appointed in the
2 manner provided by subsection (b1) of this section. The members whose qualifications are
3 described by subdivisions (1), (2), (3), (4), and (5) of subsection (b1) of this section shall serve
4 an initial term of two years and four years thereafter. The members whose qualifications are
5 described by subdivision (6) of subsection (b1) of this section and the four at-large members
6 shall serve an initial term of four years and four years thereafter. Initial terms shall expire on
7 June 30 of the year of expiration. At the expiration of each member's term, the Governor
8 appointing authority shall reappoint or replace the member with a new member of like
9 qualification (as specified in subsection (b)(b1) of this section), in the manner provided by
10 subsections (c) and (d) of this section. The initial term shall be determined by the Governor in
11 accordance with customary practice but eight of the initial members shall be appointed for two
12 years and seven for four years.section).

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

28 (i) Officers. – The chairman shall be designated by the Governor from among the
29 members of the Commission to serve as chairman at the pleasure of the Governor. The ~~and~~
30 vice-chairman shall be elected by and from the members of the Commission and shall serve for
31 a term of two years or until the expiration of ~~his~~their regularly appointed ~~term~~terms.

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

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

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

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

41 COASTAL RESOURCES ADVISORY COUNCIL

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

43 "§ 113A-105. Coastal Resources Advisory Council.

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

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

48 (1) ~~Two individuals designated by the Secretary from among the employees of~~
49 ~~the Department;~~
50

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

24 by the Coastal Resources Commission. At least one-half of the members appointed by the
25 Commission to the Council shall reside in counties in the coastal area. Counties and cities in
26 the coastal area may nominate candidates for consideration by the Commission. The terms of
27 all Council members serving on the Council on January 1, 2013, shall expire on June 30, 2013.
28 A new Council shall be appointed in the manner provided by this subsection with terms
29 beginning on July 1, 2013, and expiring on June 30, 2015. Members may be reappointed at the
30 discretion of the Commission, provided that one-half of the membership at the beginning of
31 any two-year term are residents of counties in the coastal area.

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

- 34 (1) On matters which may be submitted to it by either of them or by the
35 Commission, including technical questions relating to the development of
36 rules, and
37 (2) On such other matters arising under this Article as the Council considers
38 appropriate.

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

43 (e) Chairman and Vice-Chairman. – A chairman and vice-chairman shall be elected
44 annually by the Council.

45 (f) Compensation. – The members of the Advisory Council who are not State
46 employees shall receive per diem and necessary travel and subsistence expenses in accordance
47 with the provisions of G.S. 138-5."
48

49 ENVIRONMENTAL MANAGEMENT COMMISSION

50 **SECTION 2.3.** G.S. 143B-283 reads as rewritten:

1 "§ 143B-283. Environmental Management Commission – members; selection; removal;
2 compensation; quorum; services.

3 (a) ~~The Environmental Management Commission shall consist of 13 members~~
4 ~~appointed by the Governor. The Governor shall select the members so that the membership of~~
5 ~~the Commission shall consist of:~~

- 6 (1) ~~One who shall be a licensed physician with specialized training and~~
7 ~~experience in the health effects of environmental pollution;~~
- 8 (2) ~~One who shall, at the time of appointment, be actively connected with the~~
9 ~~Commission for Public Health or local board of health or have experience in~~
10 ~~health sciences;~~
- 11 (3) ~~One who shall, at the time of appointment, be actively connected with or~~
12 ~~have had experience in agriculture;~~
- 13 (4) ~~One who shall, at the time of appointment, be a registered engineer with~~
14 ~~specialized training and experience in water supply or water or air pollution~~
15 ~~control;~~
- 16 (5) ~~One who shall, at the time of appointment, be actively connected with or~~
17 ~~have had experience in the fish and wildlife conservation activities of the~~
18 ~~State;~~
- 19 (6) ~~One who shall, at the time of appointment, have special training and~~
20 ~~scientific expertise in hydrogeology or groundwater hydrology;~~
- 21 (7) ~~Three members interested in water and air pollution control, appointed from~~
22 ~~the public at large;~~
- 23 (8) ~~One who shall, at the time of appointment, be actively employed by, or~~
24 ~~recently retired from, an industrial manufacturing facility and~~
25 ~~knowledgeable in the field of industrial air and water pollution control;~~
- 26 (9) ~~One who shall, at the time of appointment, be actively connected with or~~
27 ~~have had experience in pollution control problems of municipal or county~~
28 ~~government;~~
- 29 (10) ~~One who shall, at the time of appointment, have special training and~~
30 ~~scientific expertise in air pollution control and the effects of air pollution;~~
31 ~~and~~
- 32 (11) ~~One who shall, at the time of appointment, have special training and~~
33 ~~scientific expertise in freshwater, estuarine, marine biological, or ecological~~
34 ~~sciences.~~

35 (a1) The Environmental Management Commission shall consist of 13 members. Seven
36 members shall be appointed by the Governor, with qualifications as follows:

- 37 (1) One who shall be a licensed physician.
- 38 (2) Two who shall, at the time of appointment, have special training or scientific
39 expertise in hydrology, water pollution control, or the effects of water
40 pollution.
- 41 (3) One who shall, at the time of appointment, be actively employed by, or
42 recently retired from, an industrial manufacturing facility and shall be
43 knowledgeable in the field of industrial pollution control.
- 44 (4) Two who shall, at the time of appointment, have special training or scientific
45 expertise in ecology, air pollution control or the effects of air pollution.
- 46 (5) One who shall serve at-large.

47 (b) ~~Members appointed by the Governor shall serve terms of office of six years. Any~~
48 ~~appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or~~
49 ~~disability of a member shall be for the balance of the unexpired term. The Governor may~~
50 ~~reappoint a member of the Commission to an additional term if, at the time of the~~

1 reappointment, the member qualifies for membership on the Commission under subsection
2 ~~(a)~~(a1) of this section.

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

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

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

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

12 (c) ~~Nine of the members appointed by the Governor under this section shall be persons
13 who do not derive any significant portion of their income from persons subject to permits or
14 enforcement orders under this Chapter.~~ The Governor shall require adequate disclosure of
15 potential conflicts of interest by members. The Governor, by executive order, shall promulgate
16 criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of
17 persons under this section, giving due regard to the requirements of federal legislation, and for
18 this purpose may promulgate rules, regulations or guidelines in conformance with those
19 established by any federal agency interpreting and applying provisions of federal law.

20 (d) In addition to the members designated by subsection ~~(a)~~(a1) of this section, the
21 General Assembly shall appoint six members, three upon the recommendation of the Speaker
22 of the House of Representatives, and three upon the recommendation of the President Pro
23 Tempore of the Senate. Appointments by the General Assembly shall be made in accordance
24 with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with
25 G.S. 120-122. ~~Members appointed by the General Assembly shall serve terms of two years.~~

26 (e) The terms of all members of the Commission serving on January 1, 2013, shall
27 expire when this subsection becomes law. A new Commission of 13 members, as described by
28 subsections (a1) and (d) of this section, shall be appointed with terms staggered as follows:
29 members appointed under subsection (a1) of this section shall serve a two-year term and
30 four-year terms thereafter; and members appointed under subsection (d) of this section shall
31 serve a four-year term and four-year terms thereafter. Initial terms shall expire on June 30 of
32 the year of expiration. Members of the Commission appointed to any other State board or
33 commission as a representative of the Commission shall no longer serve as a member of those
34 boards or commissions after this subsection becomes law, and a new Commission
35 representative shall be appointed as provided by law."

37 INDUSTRIAL COMMISSION

38 SECTION 2.4.(a) Effective April 15, 2013, G.S. 97-77 reads as rewritten:

39 "§ 97-77. **North Carolina Industrial Commission created; members appointed by**
40 **Governor; terms of office; ~~chairman~~chair.**

41 (a) There is hereby created a commission to be known as the North Carolina Industrial
42 Commission, consisting of six commissioners who shall devote their entire time to the duties of
43 the Commission. The Governor shall appoint the members of the Commission for terms of
44 ~~six~~four years. The terms shall be staggered. Three commissioners shall be persons who, on
45 account of their previous vocations, employment or affiliations, can be classed as
46 representatives of employers. Three commissioners shall be persons who, on account of their
47 previous vocations, employment or affiliations, can be classed as representatives of employees.
48 No person may serve more than two terms on the Commission, including any term served prior
49 to the effective date of this section. In calculating the number of terms served, a partial term
50 that is less than three years in length shall not be included.

1 (a1) Appointments of commissioners are subject to confirmation by the General
2 Assembly by joint resolution. The names of commissioners to be appointed by the Governor
3 shall be submitted by the Governor to the General Assembly for confirmation by the General
4 Assembly on or before March 1 of the year of expiration of the term. If the Governor fails to
5 timely submit nominations, the General Assembly shall appoint to fill the succeeding term
6 upon the joint recommendation of the President Pro Tempore of the Senate and the Speaker of
7 the House of Representatives in accordance with G.S. 120-121 not inconsistent with this
8 section.

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

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

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

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

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

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

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

(3) Two to serve terms beginning April 15, 2013, and expiring June 30, 2017, with subsequent appointments to those positions serving four-year terms.

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

UTILITIES COMMISSION

SECTION 2.5. G.S. 62-10 reads as rewritten:

"§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies; compensation; other employment prohibited.

(a) The North Carolina Utilities Commission shall consist of seven commissioners who shall be appointed by the Governor subject to confirmation by the General Assembly by joint resolution. The names of commissioners to be appointed by the Governor shall be submitted by the Governor to the General Assembly for confirmation by the General Assembly on or before May 1, of the year in which the terms for which the appointments are to be made are to expire. Upon failure of the Governor to submit names as herein provided, the Lieutenant Governor and Speaker of the House jointly shall submit the names of a like number of commissioners to the General Assembly on or before May 15 of the same year for confirmation by the General Assembly. Regardless of the way in which names of commissioners are submitted, confirmation of commissioners must be accomplished prior to adjournment of the then current session of the General Assembly. This subsection shall be subject to the provisions of subsection ~~(e)~~(c1) of this section.

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

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

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

(c1) The terms of all commissioners serving on the Commission as of January 1, 2013, shall terminate when this section becomes law. Subject to subsection (a) of this section, the Governor shall submit the names of commissioners to the General Assembly as follows:

(1) Three to serve terms terminating June 30, 2019.

(2) Two to serve terms terminating June 30, 2017.

(3) Two to serve terms terminating June 30, 2015.

Notwithstanding subsection (e) of this section, the Governor shall appoint one of the commissioners appointed and confirmed pursuant to this subsection to serve as chair of the Commission for the succeeding four years and until the commissioner's successor is duly confirmed and qualified. Upon the expiration of the chair's four-year term, the Governor shall appoint a chair as provided in subsection (e) of this section.

(d) Except as provided in subsection (c1) of this section, the commissioners shall serve staggered six-year terms, which shall commence on July 1 of the year in which the predecessors' terms expired and shall end on July 1 of the sixth year thereafter. A commissioner in office shall continue to serve until his successor is duly confirmed and qualified but such holdover shall not affect the expiration date of such succeeding term.

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

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

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

20"

21 22 WILDLIFE RESOURCES COMMISSION

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

24 "§ 143-241. Appointment and terms of office of Commission members; filling of 25 vacancies.

26 The members of the North Carolina Wildlife Resources Commission shall be appointed as
27 follows:

28 The Governor shall appoint one member each from the first, fourth, and seventh wildlife
29 districts to serve ~~six-year~~two-year terms;

30 The Governor shall appoint one member each from the second, fifth, and eighth wildlife
31 districts to serve two-year terms;

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

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

35 The General Assembly shall appoint ~~eight~~10 members of the Commission to serve two-year
36 terms, ~~four~~five upon the recommendation of the Speaker of the House, ~~four~~and five upon the
37 recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.
38 ~~Of the members appointed upon the recommendation of the Speaker of the House and upon the~~
39 ~~recommendation of the President Pro Tempore of the Senate, at least one of each shall be a~~
40 ~~member of the political party to which the largest minority of the members of the General~~
41 ~~Assembly belongs.~~

42 The terms of all appointed members serving on the Commission as of January 1, 2013, shall
43 terminate on June 30, 2013. Thereafter as the terms of office of the members of the
44 Commission ~~appointed by the Governor from the several wildlife districts expire~~, their
45 successors shall be appointed for terms of ~~six~~two years each. As the terms of office of the
46 members of the Commission appointed by the General Assembly expire, their successors shall
47 be appointed for terms of two years each. All members appointed by the Governor serve at the
48 pleasure of the Governor that appointed them and they may be removed by that Governor at
49 any time. A successor to the appointing Governor may remove a Commission member only for
50 cause as provided in G.S. 143B-13. Members appointed by the General Assembly serve at the
51 pleasure of that body and may be removed by law at any time. In the event that a Commission

1 member is removed, the member appointed to replace the removed member shall serve only for
2 the unexpired term of the removed member."

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

4 "**§ 143-243. Organization of the Commission; election of officers; Robert's Rules of**
5 **Order.**

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

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

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

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

29 NORTH CAROLINA TURNPIKE AUTHORITY

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

31 "**§ 136-89.182. North Carolina Turnpike Authority.**

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

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

40 (c) Authority Board. – The Board of Transportation is ex officio the Authority Board of
41 the North Carolina Turnpike Authority.~~The North Carolina Turnpike Authority shall be~~
42 ~~governed by a nine member Authority Board consisting of two members appointed by the~~
43 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate in~~
44 ~~accordance with G.S. 120-121, two members appointed by the General Assembly upon the~~
45 ~~recommendation of the Speaker of the House of Representatives in accordance with~~
46 ~~G.S. 120-121, four members appointed by the Governor, and the Secretary of Transportation.~~
47 ~~Each appointing authority shall appoint members who reside in diverse regions of the State.~~
48 ~~The Chair of the Authority shall be selected by the Authority Board.~~

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

1 (e) ~~Staggered Terms.— One of the initial appointments to the Authority Board by the~~
2 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate, one~~
3 ~~of the initial appointments to the Authority Board by the General Assembly upon the~~
4 ~~recommendation of the Speaker of the House of Representatives, and three of the initial~~
5 ~~appointments of the Governor shall be appointed to terms ending January 14, 2007. One of the~~
6 ~~initial appointments to the Authority Board by the General Assembly upon the recommendation~~
7 ~~of the President Pro Tempore of the Senate, one of the initial appointments to the Authority~~
8 ~~Board by the General Assembly upon the recommendation of the Speaker of the House of~~
9 ~~Representatives, and one of the initial appointments of the Governor shall be appointed to~~
10 ~~terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex officio~~
11 ~~voting member of the Board. Thereafter, at the expiration of each stipulated term of office, all~~
12 ~~appointments shall be to a term of four years from the date of the expiration of the term.~~

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

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

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

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

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

29 (k) ~~Executive Director and Administrative Employees. – The Authority Board shall~~
30 ~~appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its~~
31 ~~pleasure. The Secretary of Transportation, or the Secretary's designee, The Executive Director~~
32 ~~shall be the Authority's chief administrative officer and shall be responsible for the daily~~
33 ~~administration of the toll roads and bridges constructed, maintained, or operated pursuant to~~
34 ~~this Article. The Secretary or the Secretary's designee The Executive Director or his designee~~
35 ~~shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the~~
36 ~~compensation of administrative employees as the Executive Director deems necessary to carry~~
37 ~~out this Article.~~

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

40 SPECIAL SUPERIOR COURT JUDGES

41 **SECTION 2.8.** Effective July 1, 2013, G.S. 7A-45.1 is amended by adding a new
42 subsection to read:

43 "(a8) Notwithstanding any other provision of this section, except as to those three seats
44 designated as of January 1, 2013, under G.S. 7A-45.3 as business court judges, effective on and
45 after July 1, 2013, any seat established by this section is abolished."
46

47 STATE BOARD OF ELECTIONS

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

49 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**"
50

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

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

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

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

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

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

34 "I, _____, do solemnly swear (or affirm) that I will support the
35 Constitution of the United States; that I will be faithful and bear true
36 allegiance to the State of North Carolina, and to the constitutional powers
37 and authorities which are or may be established for the government thereof;
38 that I will endeavor to support, maintain and defend the Constitution of said
39 State, and that I will well and truly execute the duties of the office of
40 member of the State Board of Elections according to the best of my
41 knowledge and ability, according to law, so help me, God."

42 After taking the prescribed oath, the Board shall organize by electing one of its members
43 chairman and another secretary.

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

50 **SECTION 2.9.(b)** This section is effective when this act becomes law.
51

1 STATE BOARD OF EDUCATION

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

3 **"§ 115C-11. Organization and internal procedures of Board.**

4 (a) Presiding Officer. – The Governor shall appoint a chairman from among the
5 membership of the State Board of Education. The chairman shall serve in that role at the
6 pleasure of the Governor. The State Board of Education shall elect from its membership a
7 ~~chairman and vice-chairman.~~ A majority of the Board shall constitute a quorum for the
8 transaction of business. Per diem and expenses of the appointive members of the Board shall be
9 provided by the General Assembly. The chairman of the Board shall preside at all meetings of
10 the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of
11 both the chairman and the vice-chairman, the Board shall name one of its own members as
12 chairman pro tempore.

13 ...

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

23
24 NORTH CAROLINA STATE LOTTERY COMMISSION

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

26 **"§ 18C-111. Commission membership; appointment; selection of chair; vacancies;**
27 **removal; meetings; compensation.**

28 (a) The Commission shall consist of nine members, five of whom shall be appointed by
29 the Governor, two of whom shall be appointed by the General Assembly upon the
30 recommendation of the President Pro Tempore of the Senate, and two of whom shall be
31 appointed by the General Assembly upon the recommendation of the Speaker of the House of
32 Representatives. Commissioners may be removed by the appointing authority for cause. The
33 Governor shall select the chair of the Commission from among its membership, who shall serve
34 at the pleasure of the Governor.

35 (b) The terms of all members serving on the Commission as of January 1, 2013, shall
36 terminate on the effective date of this section. No later than July 1, 2013, Of the initial
37 appointees of the Governor, the Governor shall appoint five members to serve terms of two
38 years, three members shall serve a term of one year, one member shall serve a term of two
39 years, and one member shall serve a term of three years. Of the initial appointees of the
40 than July 1, 2013, the General Assembly
41 Assembly, upon the recommendation of the President
42 Pro Tempore of the Senate, one member shall serve a term of two years, and one member shall
43 serve a term of three years. shall appoint two members to serve terms of two years. Of the
44 initial appointees of
45 No later than July 1, 2013, the General Assembly upon the
46 recommendation of the Speaker of the House of Representatives, one member shall serve a
47 term of two years, and one member serve a term of three years. shall appoint two members to
48 serve terms of two years. Initial terms shall expire on June 30 of the year of expiration. All
49 succeeding appointments shall be for terms of five two years. Members shall not serve for more
50 than two successive terms.

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

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

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

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

6 7 **CHARTER SCHOOL ADVISORY COMMITTEE**

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

9 **SECTION 2.13.(b)** This section is effective when this act becomes law.

10 11 **PART III. ADDITIONAL GOVERNMENTAL EFFICIENCIES**

12 13 **SUPERVISORY POSITIONS OVER HIGHWAY PATROL MEMBERS**

14 **SECTION 3.1.** G.S. 20-196.3 reads as rewritten:

15 "**§ 20-196.3. Who may hold supervisory positions over sworn members of the Patrol.**

16 Notwithstanding any other provision of the General Statutes of North Carolina, ~~it shall be~~
17 ~~unlawful for any person other than the Governor and the Secretary of Public Safety and other~~
18 ~~than a uniformed member of the North Carolina State Highway Patrol who has met all~~
19 ~~requirements for employment within the Patrol, including but not limited to completion of the~~
20 ~~basic Patrol school, to hold any supervisory position over sworn members of the Patrol. the~~
21 ~~following persons shall be qualified to hold a supervisory position over sworn members of the~~
22 ~~North Carolina State Highway Patrol:~~

23 (1) The Governor.

24 (2) The Secretary of Public Safety.

25 (3) A person certified as a law enforcement officer under the provisions of
26 Chapter 17C of the General Statutes."

27 28 **PART IV. EFFECTIVE DATE**

29 **SECTION 4.1.** If any provision of this act or its application is held invalid, the
30 invalidity does not affect other provisions or applications of this act that can be given effect
31 without the invalid provisions or application, and to this end the provisions of this act are
32 severable.

33 **SECTION 4.2.** Unless otherwise provided, this act is effective when it becomes
34 law. If the terms of office eliminated in this act have not been set out, then the appointing
35 authorities shall determine by July 1, 2013, which terms to eliminate to achieve the
36 membership totals pursuant to this act. After determining which terms to eliminate, the
37 appointing authority shall notify in writing all the persons and entities required to receive
38 notification pursuant to G.S. 143-47.7.