

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 10

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S10-ARW-4 [v.3]

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Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date _____, 2013

Senator Stein

1 moves to amend the bill on page 1, line 6, through page 17, line 32, by deleting those lines, and
2 substituting the following:

3
4 **"SMALL BUSINESS CONTRACTOR AUTHORITY**

5 **SECTION 1.1.** Part 20 of Article 10 of Chapter 143B of the General Statutes,
6 G.S. 143B-472.100 through G.S. 143B-472.112, is repealed.

7
8 **COMMITTEE ON DROPOUT PREVENTION**

9 **SECTION 1.2.** Article 6B of Chapter 115C of the General Statutes,
10 G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.

11
12 **STATE EDUCATION COMMISSION ESTABLISHED IN CHAPTER 116C OF THE**
13 **GENERAL STATUTES**

14 **SECTION 1.3.(a)** G.S. 116C-1 reads as rewritten:

15 **"§ 116C-1. Education Cabinet created.**

16 ...

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

- 18 (1) Works to resolve issues between existing providers of education.
- 19 ~~(2) Sets the agenda for the State Education Commission.~~
- 20 (3) Develops a strategic design for a continuum of education programs, in
21 accordance with G.S. 116C-3.
- 22 (4) Studies other issues referred to it by the Governor or the General Assembly.

23"

24 **SECTION 1.3.(b)** G.S. 116C-2 is repealed.

25
26 **STATE EDUCATION COMMISSION ESTABLISHED IN ARTICLE 26 OF CHAPTER**
27 **143 OF THE GENERAL STATUTES**

28 **SECTION 1.4.** Article 26 of Chapter 143 of the General Statutes, G.S. 143-261
29 through G.S. 143-266, is repealed.

30
31 **NATIONAL HERITAGE AREA DESIGNATION COMMISSION**

32 **SECTION 1.5.** Section 18.10 of S.L. 2001-491 reads as rewritten:



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1 **"SECTION 18.10.** Notwithstanding G.S. 158-8.1, the Western North Carolina Regional
2 Economic Development Commission shall develop a regional heritage tourism plan and shall
3 present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May
4 1, 2002. The National Heritage Area Designation Commission created pursuant to Section 18.4
5 of this act shall terminate July 1, 2013."

6
7 **GOVERNOR'S MANAGEMENT COUNCIL**

8 **SECTION 1.6.** Part 24 of Article 9 of Chapter 143B of the General Statutes,
9 G.S. 143B-426.22, is repealed.

10
11 **CENTER FOR NURSING**

12 **SECTION 1.7.** G.S. 90-171.71 and G.S. 90-171.72 are repealed.

13
14 **BOARD OF CORRECTION**

15 **SECTION 1.8.(a)** G.S. 143B-711 reads as rewritten:

16 **"§ 143B-711. Division of Adult Correction of the Department of Public Safety –**
17 **organization.**

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

24 **SECTION 1.8.(b)** G.S. 143B-715 is repealed.

25
26 **BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE**
27 **NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS**

28 **SECTION 1.9.(a)** Part 22 of Article 9 of Chapter 143B of the General Statutes is
29 repealed.

30 **SECTION 1.9.(b)** G.S. 120-123(4) is repealed.

31
32 **BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II**
33 **SETTLEMENT FUNDS**

34 **SECTION 1.10.** Board of Directors of the Certification Entity for Phase II
35 Settlement Funds, established pursuant to S.L. 1999-333, is abolished.

36
37 **NORTH CAROLINA TURNPIKE AUTHORITY**

38 **SECTION 2.** G.S. 136-89.182 reads as rewritten:

39 **"§ 136-89.182. North Carolina Turnpike Authority.**

40 (a) Creation. – There is created a body politic and corporate to be known as the "North
41 Carolina Turnpike Authority". The Authority is constituted as a public agency, and the exercise
42 by the Authority of the powers conferred by this Article in the construction, operation, and

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1 maintenance of toll roads and bridges shall be deemed and held to be the performance of an
2 essential governmental function.

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

6 (c) Authority Board. – ~~The Board of Transportation is ex officio the Authority Board of~~
7 ~~the North Carolina Turnpike Authority. The North Carolina Turnpike Authority shall be~~
8 ~~governed by a nine member Authority Board consisting of two members appointed by the~~
9 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate in~~
10 ~~accordance with G.S. 120-121, two members appointed by the General Assembly upon the~~
11 ~~recommendation of the Speaker of the House of Representatives in accordance with~~
12 ~~G.S. 120-121, four members appointed by the Governor, and the Secretary of Transportation.~~
13 ~~Each appointing authority shall appoint members who reside in diverse regions of the State.~~
14 ~~The Chair of the Authority shall be selected by the Authority Board.~~

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

17 (e) ~~Staggered Terms. — One of the initial appointments to the Authority Board by the~~
18 ~~General Assembly upon the recommendation of the President Pro Tempore of the Senate, one~~
19 ~~of the initial appointments to the Authority Board by the General Assembly upon the~~
20 ~~recommendation of the Speaker of the House of Representatives, and three of the initial~~
21 ~~appointments of the Governor shall be appointed to terms ending January 14, 2007. One of the~~
22 ~~initial appointments to the Authority Board by the General Assembly upon the recommendation~~
23 ~~of the President Pro Tempore of the Senate, one of the initial appointments to the Authority~~
24 ~~Board by the General Assembly upon the recommendation of the Speaker of the House of~~
25 ~~Representatives, and one of the initial appointments of the Governor shall be appointed to~~
26 ~~terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex officio~~
27 ~~voting member of the Board. Thereafter, at the expiration of each stipulated term of office, all~~
28 ~~appointments shall be to a term of four years from the date of the expiration of the term.~~

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

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

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

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

40 (j) ~~Bylaws. — The Authority Board shall adopt, change, or amend bylaws with respect~~
41 ~~to the calling of meetings, quorums, voting procedures, the keeping of records, and other~~
42 ~~organizational, staffing, and administrative matters as the Authority Board may determine. Any~~

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1 bylaws, or subsequent changes or amendments to the bylaws, shall be included in the Annual
2 Report as required by G.S. 136-89.193.

3 (k) Executive Director and Administrative Employees. – ~~The Authority Board shall~~
4 ~~appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its~~
5 ~~pleasure. The Secretary of Transportation, or the Secretary's designee, The Executive Director~~
6 shall be the Authority's chief administrative officer and shall be responsible for the daily
7 administration of the toll roads and bridges constructed, maintained, or operated pursuant to
8 this Article. The Secretary or the Secretary's designee ~~The Executive Director or his designee~~
9 shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the
10 compensation of administrative employees as the Executive Director deems necessary to carry
11 out this Article.

12 (l) Office. – The offices of the Authority may be housed in one or more facilities of the
13 Department of Transportation."
14

15 SECTION 3. This act becomes effective July 1, 2013."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**