

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 10
Rules and Operations of the Senate Committee Substitute Adopted 2/5/13
Third Edition Engrossed 2/6/13
House Committee Substitute Favorable 2/27/13
House Committee Substitute #2 Favorable 2/28/13
Sixth Edition Engrossed 3/4/13
Proposed Conference Committee Substitute S10-PCCS15255-RO-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 **LOTTERY OVERSIGHT COMMISSION**

11 SECTION 1.1.(a) G.S. 18C-172 is repealed.

12 SECTION 1.1.(b) G.S. 18C-115 reads as rewritten:

13 "§ 18C-115. Reports.

14 The Commission shall send quarterly and annual reports on the operations of the
15 Commission to the Governor, State Treasurer, ~~the Lottery Oversight Committee,~~ and to the
16 General Assembly. The reports shall include complete statements of lottery revenues, prize
17 disbursements, expenses, net revenues, and all other financial transactions involving lottery
18 funds, including the occurrence of any audit."
19

20 **SMALL BUSINESS CONTRACTOR AUTHORITY**

21 SECTION 1.2. Part 20 of Article 10 of Chapter 143B of the General Statutes,
22 G.S. 143B-472.100 through G.S. 143B-472.112, is repealed.
23

24 **COMMITTEE ON DROPOUT PREVENTION**

25 SECTION 1.3. Article 6B of Chapter 115C of the General Statutes,
26 G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.
27



* S 1 0 - P C C S 1 5 2 5 5 - S R O - 1 *

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

3 **SECTION 1.4.(a)** G.S. 116C-1 reads as rewritten:

4 **"§ 116C-1. Education Cabinet created.**

5 ...

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

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

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

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

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

12"

13 **SECTION 1.4.(b)** G.S. 116C-2 is repealed.

14
15 **STATE EDUCATION COMMISSION ESTABLISHED IN ARTICLE 26 OF CHAPTER**
16 **143 OF THE GENERAL STATUTES**

17 **SECTION 1.5.** Article 26 of Chapter 143 of the General Statutes, G.S. 143-261
18 through G.S. 143-266, is repealed.

19
20 **NATIONAL HERITAGE AREA DESIGNATION COMMISSION**

21 **SECTION 1.6.** Section 18.10 of S.L. 2001-491 reads as rewritten:

22 **"SECTION 18.10.** Notwithstanding G.S. 158-8.1, the Western North Carolina Regional
23 Economic Development Commission shall develop a regional heritage tourism plan and shall
24 present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May
25 1, 2002. The National Heritage Area Designation Commission created pursuant to Section 18.4
26 of this act shall terminate July 1, 2013."

27
28 **GOVERNOR'S MANAGEMENT COUNCIL**

29 **SECTION 1.7.** Part 24 of Article 9 of Chapter 143B of the General Statutes,
30 G.S. 143B-426.22, is repealed.

31
32 **CENTER FOR NURSING**

33 **SECTION 1.8.** G.S. 90-171.71 and G.S. 90-171.72 are repealed.

34
35 **BOARD OF CORRECTION**

36 **SECTION 1.9.(a)** G.S. 143B-711 reads as rewritten:

37 **"§ 143B-711. Division of Adult Correction of the Department of Public Safety –**
38 **organization.**

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

45 **SECTION 1.9.(b)** G.S. 143B-715 is repealed.

46
47 **BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE**
48 **NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS**

49 **SECTION 1.10.(a)** Part 22 of Article 9 of Chapter 143B of the General Statutes is
50 repealed.

51 **SECTION 1.10.(b)** G.S. 120-123(4) is repealed.

1
2 **BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II**
3 **SETTLEMENT FUNDS**

4 **SECTION 1.11.** Board of Directors of the Certification Entity for Phase II
5 Settlement Funds, established pursuant to S.L. 1999-333, is abolished.

6
7 **ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND**
8 **COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS**

9 **SECTION 1.12.(a)** The Public Funding of Council of State Elections Commission
10 established by Section 26 of S.L. 2010-169 is terminated.

11 **SECTION 1.12.(b)** The Legislative Commission on Global Climate Change
12 established by Section 11 of S.L. 2005-442, as amended by S.L. 2006-73, S.L. 2008-81, S.L.
13 2009-306, and S.L. 2011-266, is terminated. No State appropriations or departmental receipts
14 shall be used by State agencies for the development, promotion, dissemination, or
15 implementation of a statewide climate change action plan or adaptation strategy, unless such
16 activities are specifically authorized by the General Assembly. This shall not prevent individual
17 State agencies from addressing climate or weather-related issues or events that are within the
18 scope of their existing agency duties and responsibilities.

19 **SECTION 1.12.(c)** The Arts Education Commission established by S.L. 2011-301
20 is terminated.

21
22 **NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL**

23 **SECTION 1.13.(a)** Section 4 of S.L. 2009-530, as rewritten by S.L. 2012-75, reads
24 as rewritten:

25 "**SECTION 4.** This act is effective when it becomes law and shall expire on ~~July 31,~~
26 ~~2015~~July 1, 2013."

27 **SECTION 1.13.(b)** The Department of Agriculture and North Carolina's land grant
28 universities shall continue to collaborate on promoting local food production and consumption
29 in North Carolina.

30
31 **PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS**

32
33 **COASTAL RESOURCES COMMISSION**

34 **SECTION 2.1.(a)** G.S. 113A-104 reads as rewritten:

35 "**§ 113A-104. Coastal Resources Commission.**

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

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

- 41 (1) ~~One who shall at the time of appointment be actively connected with or have~~
42 ~~experience in commercial fishing.~~
43 (2) ~~One who shall at the time of appointment be actively connected with or have~~
44 ~~experience in wildlife or sports fishing.~~
45 (3) ~~One who shall at the time of appointment be actively connected with or have~~
46 ~~experience in marine ecology.~~
47 (4) ~~One who shall at the time of appointment be actively connected with or have~~
48 ~~experience in coastal agriculture.~~
49 (5) ~~One who shall at the time of appointment be actively connected with or have~~
50 ~~experience in coastal forestry.~~

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

14 (b1) Composition. – The Coastal Resources Commission shall consist of 13 members as
15 follows:

- 16 (1) One appointed by the Governor who shall at the time of appointment be a
17 coastal property owner or experienced in land development.
18 (2) One appointed by the Governor who shall at the time of appointment be a
19 coastal property owner or experienced in land development.
20 (3) One appointed by the Governor who shall at the time of appointment be
21 actively connected with or have experience in engineering in the coastal area
22 or a marine-related science.
23 (4) One appointed by the Governor who shall at the time of appointment be
24 actively connected with or have experience in engineering in the coastal area
25 or a marine- related science.
26 (5) One appointed by the Governor who shall at the time of appointment be
27 actively connected with or have experience in coastal-related business.
28 (6) One appointed by the Governor who shall at the time of appointment be
29 actively connected with or have experience in local government within the
30 coastal area.
31 (7) One appointed by the Governor who shall at the time of appointment be
32 actively connected with or have experience in coastal agriculture.
33 (8) One appointed by the Governor who shall at the time of appointment be
34 actively connected with or have experience in commercial fishing.
35 (9) One appointed by the Governor who shall at the time of appointment be
36 actively connected with or have experience in coastal forestry.
37 (10) One appointed by the General Assembly upon recommendation of the
38 Speaker of the House of Representatives in accordance with G.S. 120-121
39 who shall at the time of appointment be actively connected with or have
40 experience in sports fishing.
41 (11) One appointed by the General Assembly upon recommendation of the
42 Speaker of the House of Representatives in accordance with G.S. 120-121
43 who shall serve at large.
44 (12) One appointed by the General Assembly upon recommendation of the
45 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
46 shall at the time of appointment be actively connected with or have
47 experience in wildlife.
48 (13) One appointed by the General Assembly upon recommendation of the
49 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
50 shall serve at large.

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

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

14 ~~The remaining members of the Commission shall be appointed by the Governor after~~
15 ~~completion of the nominating procedures prescribed by subsection (d) of this section.~~

16 (c1) ~~The members of the Commission whose qualifications are described in subdivisions~~
17 ~~(1) through (5), (9), and (11); (3), (6), (7), (8), (9), (11), and (12) of subsection (b1) of this~~
18 ~~section shall be persons who do not derive any significant portion of their income from land~~
19 ~~development, construction, real estate sales, or lobbying and do not otherwise serve as agents~~
20 ~~for development-related business activities. The Governor shall require adequate disclosure of~~
21 ~~potential conflicts of interest by these members. The Governor, by executive order, shall~~
22 ~~promulgate criteria regarding conflicts of interest and disclosure thereof for determining the~~
23 ~~eligibility of persons under this section.~~subsection.

24 (c2) All members of the Commission are covered persons for the purposes of Chapter
25 138A of the General Statutes, the State Government Ethics Act. As covered persons, members
26 of the Commission shall comply with the applicable requirements of the State Government
27 Ethics Act, including mandatory training, the public disclosure of economic interests, and
28 ethical standards for covered persons. Members of the Commission shall comply with the
29 provisions of the State Government Ethics Act to avoid conflicts of interest.

30 (d) ~~Nominations for Membership. — On or before May 1 in every even-numbered year~~
31 ~~the Governor shall designate and transmit to the board of commissioners in each county in the~~
32 ~~coastal area four nominating categories applicable to that county for that year. Said nominating~~
33 ~~categories shall be selected by the Governor from among the categories represented,~~
34 ~~respectively by subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (11) — two persons, and (12) —~~
35 ~~two persons, of subsection (b) of this section (or so many of the above listed paragraphs as may~~
36 ~~correspond to vacancies by expiration of term that are subject to being filled in that year). On or~~
37 ~~before June 1 in every even-numbered year the board of commissioners of each county in the~~
38 ~~coastal area shall nominate (and transmit to the Governor the names of) one qualified person in~~
39 ~~each of the four nominating categories that was designated by the Governor for that county for~~
40 ~~that year. In designating nominating categories from biennium to biennium, the Governor shall~~
41 ~~equitably rotate said categories among the several counties of the coastal area as in his~~
42 ~~judgment he deems best; and he shall assign, as near as may be, an even number of nominees to~~
43 ~~each nominating category and shall assign in his best judgment any excess above such even~~
44 ~~number of nominees. On or before June 1 in every even-numbered year the governing body of~~
45 ~~each incorporated city within the coastal area shall nominate and transmit to the Governor the~~
46 ~~name of one person as a nominee to the Commission. In making nominations, the boards of~~
47 ~~county commissioners and city governing bodies shall give due consideration to the nomination~~
48 ~~of women and minorities. The Governor shall appoint 12 persons from among said city and~~
49 ~~county nominees to the Commission. The several boards of county commissioners and city~~
50 ~~governing bodies shall transmit the names, addresses, and a brief summary of the qualifications~~
51 ~~of their nominees to the Governor on or before June 1 in each even-numbered year, beginning~~

1 in 1974; provided, that the Governor, by registered or certified mail, shall notify the chairman
2 or the mayors of the said local governing boards by May 20 in each such even-numbered year
3 of the duties of local governing boards under this sentence. If any board of commissioners or
4 city governing body fails to transmit its list of nominations to the Governor by June 1, the
5 Governor may add to the nominations a list of qualified nominees in lieu of those that were not
6 transmitted by the board of commissioners or city governing body; Provided however, the
7 Governor may not add to the list a nominee in lieu of one not transmitted by an incorporated
8 city within the coastal area that neither has a population of 2,000 or more nor is contiguous
9 with the Atlantic Ocean. Within the meaning of this section, the "governing body" is the mayor
10 and council of a city as defined in G.S. 160A-66. The population of cities shall be determined
11 according to the most recent annual estimates of population as certified to the Secretary of
12 Revenue by the Secretary of Administration.

13 (e) Residential-Geographic Qualifications. – All nominees of the several boards of
14 county commissioners and city governing bodies must reside within the coastal area, but need
15 not reside in the county from which they were nominated. No more than one of those members
16 appointed by the Governor from among said nominees may reside in a particular county. No
17 more than two members of the entire Commission, at any time, may reside in a particular
18 county. No more than two members of the entire Commission, at any time, may reside outside
19 the coastal area. All members of the Commission must be residents of North Carolina and reside
20 or own real property in the coastal area.

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

25 (g) Terms. – The members shall serve staggered terms of office of four years. At the
26 expiration of each member's term, the Governor-appointing authority shall reappoint or replace
27 the member with a new member of like qualification (~~as~~ specified in subsection (b)(b1) of
28 this section), in the manner provided by subsections (c) and (d) of this section. The initial term
29 shall be determined by the Governor in accordance with customary practice but eight of the
30 initial members shall be appointed for two years and seven for four years.section.

31 (h) Vacancies. – In the event of a vacancy arising otherwise than by expiration of term,
32 the Governor-appointing authority shall appoint a successor of like qualification (~~as~~ specified
33 in subsection (b)(b1) of this section)section who shall then serve the remainder of his
34 predecessor's term. ~~When any such vacancy arises, the Governor shall immediately notify the~~
35 ~~board of commissioners of each county in the coastal area and the governing body of each~~
36 ~~incorporated city within the coastal area. Within 30 days after receipt of such notification each~~
37 ~~such county board and city governing body shall nominate and transmit to the Governor the~~
38 ~~name and address of one person who is qualified in the category represented by the position to~~
39 ~~be filled, together with a brief summary of the qualifications of the nominee. The Governor~~
40 ~~shall make the appointment from among said city and county nominees. If any county board or~~
41 ~~city governing body fails to make a timely transmittal of its nominee, the Governor may add to~~
42 ~~the nominations a qualified person in lieu of said nominee; Provided however, the Governor~~
43 ~~may not add to the list a nominee in lieu of one not transmitted by an incorporated city within~~
44 ~~the coastal area that neither has a population of 2,000 or more nor is contiguous with the~~
45 ~~Atlantic Ocean.~~

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

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

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

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

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

8 **SECTION 2.1.(b)** Transition of Membership of the Coastal Resources
9 Commission. –

10 (a) Except as otherwise provided in this section, the terms of all members of the Coastal
11 Resources Commission serving on January 1, 2013, shall expire when this act becomes law. A
12 new Commission of 13 members shall be appointed in the manner provided by
13 G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, and this section. Members
14 appointed in the manner provided by G.S. 113A-104(b1), as enacted by Section 2.1(a) of this
15 act, shall be appointed no later than July 1, 2013.

16 (1) The member serving pursuant to G.S. 113A-104(b)(1) on January 1, 2013,
17 shall continue to serve pursuant to G.S. 113A-104(b1)(8), as enacted by
18 Section 2.1(a) of this act, until June 30, 2014.

19 (2) The member serving pursuant to G.S. 113A-104(b)(2) on January 1, 2013,
20 shall continue to serve pursuant to G.S. 113A-104(b1)(10), as enacted by
21 Section 2.1(a) of this act, until June 30, 2014.

22 (3) The member serving pursuant to G.S. 113A-104(b)(11) on January 1, 2013,
23 whose term would otherwise expire on June 30, 2014, shall continue to serve
24 pursuant to G.S. 113A-104(b1)(6), as enacted by Section 2.1(a) of this act,
25 until June 30, 2014.

26 (4) The member serving pursuant to G.S. 113A-104(b)(5) on January 1, 2013,
27 whose term would otherwise expire on June 30, 2014, shall continue to serve
28 pursuant to G.S. 113A-104(b1)(9), as enacted by Section 2.1(a) of this act,
29 until June 30, 2014.

30 (b) Members of the Commission whose qualifications are described by subdivisions (1),
31 (3), (5), (7), (11), and (13) of G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, shall
32 be appointed for an initial term of two years, and subsequent appointments shall be for
33 four-year terms thereafter. Members of the Commission whose qualifications are described by
34 subdivisions (2), (4), (6), (8), (9), (10), and (12) of G.S. 113A-104(b1), as enacted by Section
35 2.1(a) of this act, shall be appointed for an initial term of one year, and subsequent
36 appointments shall be for four-year terms thereafter. Initial terms shall expire on June 30 of the
37 year of expiration.

38 39 **COASTAL RESOURCES ADVISORY COUNCIL**

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

41 **"§ 113A-105. Coastal Resources Advisory Council.**

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

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

46 ~~(1) Two individuals designated by the Secretary from among the employees of~~
47 ~~the Department;~~

48 ~~(1a) The Secretary of Commerce or person designated by the Secretary of~~
49 ~~Commeree;~~

50 ~~(2) The Secretary of Administration or person designated by the Secretary of~~
51 ~~Administration;~~

- 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 counties in the coastal area to be~~
13 ~~designated by the respective boards of county commissioners;~~
14 (9) ~~No more than eight additional members representative of cities in the coastal~~
15 ~~area and to be designated by the Commission;~~
16 (10) ~~Three members selected by the Commission who are marine scientists or~~
17 ~~technologists;~~
18 (11) ~~One member who is a local health director selected by the Commission upon~~
19 ~~the recommendation of the Secretary.~~

20 by the Coastal Resources Commission. All members of the Council must be residents of North
21 Carolina and reside or own real property in the coastal area. Counties and cities in the coastal
22 area may nominate candidates for consideration by the Commission. The terms of all Council
23 members serving on the Council on January 1, 2013, shall expire on June 30, 2013. A new
24 Council shall be appointed in the manner provided by this subsection with terms beginning on
25 July 1, 2013, and expiring on June 30, 2015. Members may be reappointed at the discretion of
26 the Commission, provided that one-half of the membership at the beginning of any two-year
27 term are residents of counties in the coastal area.

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

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

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

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

41 (f) Compensation. – The members of the Advisory Council who are not State
42 employees shall receive per diem and necessary travel and subsistence expenses in accordance
43 with the provisions of G.S. 138-5."
44

45 ENVIRONMENTAL MANAGEMENT COMMISSION

46 SECTION 2.3.(a) G.S. 143B-283 reads as rewritten:

47 "**§ 143B-283. Environmental Management Commission – members; selection; removal;**
48 **compensation; quorum; services.**

49 (a) ~~The Environmental Management Commission shall consist of 13 members~~
50 ~~appointed by the Governor. The Governor shall select the members so that the membership of~~
51 ~~the Commission shall consist of:~~

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

(a1) The Environmental Management Commission shall consist of 15 members as follows:

- (1) One appointed by the Governor who shall be a licensed physician.
- (2) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in hydrology, water pollution control, or the effects of water pollution.
- (3) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in hydrology, water pollution control, or the effects of water pollution.
- (4) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in air pollution control or the effects of air pollution.
- (5) One appointed by the Governor who shall at the time of appointment be actively connected with or have had experience in agriculture.
- (6) One appointed by the Governor who shall at the time of appointment have special training and scientific expertise in freshwater, estuarine, marine biological, or ecological sciences or be actively connected with or have had experience in the fish and wildlife conservation activities of the State.
- (7) One appointed by the Governor who shall at the time of appointment be actively employed by, or recently retired from, an industrial manufacturing facility and shall be knowledgeable in the field of industrial pollution control.

- 1 (8) One appointed by the Governor who shall at the time of appointment be a
2 licensed engineer with specialized training and experience in water supply or
3 water or air pollution control.
4 (9) One appointed by the Governor who shall serve at large.
5 (10) One appointed by the General Assembly upon recommendation of the
6 Speaker of the House of Representatives in accordance with G.S. 120-121
7 who shall serve at large.
8 (11) One appointed by the General Assembly upon recommendation of the
9 Speaker of the House of Representatives in accordance with G.S. 120-121
10 who shall serve at large.
11 (12) One appointed by the General Assembly upon recommendation of the
12 Speaker of the House of Representatives in accordance with G.S. 120-121
13 who shall serve at large.
14 (13) One appointed by the General Assembly upon recommendation of the
15 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
16 shall serve at large.
17 (14) One appointed by the General Assembly upon recommendation of the
18 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
19 shall serve at large.
20 (15) One appointed by the General Assembly upon recommendation of the
21 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
22 shall serve at large.

23 (b) ~~Members appointed by the Governor shall serve terms of office of six years. Any~~
24 ~~appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or~~
25 ~~disability of a member shall be for the balance of the unexpired term. The Governor may~~
26 ~~reappoint a member of the Commission to an additional term if, at the time of the~~
27 ~~reappointment, the member qualifies for membership on the Commission under subdivisions~~
28 ~~(1) through (9) of subsection (a)(a1) of this section. Appointments by the General Assembly~~
29 ~~shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be~~
30 ~~filled in accordance with G.S. 120-122.~~

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

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

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

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

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

49 (c1) All members of the Commission are covered persons for the purposes of Chapter
50 138A of the General Statutes, the State Government Ethics Act. As covered persons, members
51 of the Commission shall comply with the applicable requirements of the State Government

1 Ethics Act, including mandatory training, the public disclosure of economic interests, and
2 ethical standards for covered persons. Members of the Commission shall comply with the
3 provisions of the State Government Ethics Act to avoid conflicts of interest.

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

10 (e) Members of the Commission shall serve terms of four years."

11 **SECTION 2.3.(b) Transition of Membership of the Environmental Management**
12 **Commission. –**

13 (a) The terms of all members of the Environmental Management Commission serving
14 on January 1, 2013, shall expire when this section becomes law. A new Commission of 15
15 members shall be appointed in the manner provided by G.S. 143B-283(a1), as enacted by
16 Section 2.3(a) of this act, and this section.

17 (b) Members of the Commission whose qualifications are described by subdivisions (3),
18 (5), (7), (8), (9), (11), (13), and (15) of G.S. 143B-283(a1), as enacted by Section 2.3(a) of this
19 act, shall be appointed for an initial term of two years and subsequent appointments shall be for
20 four-year terms thereafter. Members of the Commission whose qualifications are described by
21 subdivisions (1), (2), (4), (6), (10), (12), and (14) of G.S. 143B-283(a1), as enacted by Section
22 2.3(a) of this act, shall be appointed for an initial term of four years and subsequent
23 appointments shall be for four-year terms thereafter. Initial terms shall expire on June 30 of the
24 year of expiration.

25 (c) Members of the Commission appointed to any other State board or commission as a
26 representative of the Commission shall no longer serve as a member of those boards or
27 commissions after this section becomes law, and a new Commission representative shall be
28 appointed as provided by law.

30 INDUSTRIAL COMMISSION

31 **SECTION 2.4.(a) Effective July 1, 2013, G.S. 97-77 reads as rewritten:**

32 **"§ 97-77. North Carolina Industrial Commission created; members appointed by**
33 **Governor; terms of office; ~~chairman~~chair.**

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

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

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

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

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

28 The Governor may designate one ~~vice-chairman~~-vice-chair from the remaining
29 commissioners. The ~~vice-chairman~~-vice-chair shall assume the powers of the ~~chairman~~-chair
30 upon request of the ~~chairman~~-chair or when the ~~chairman~~-chair is absent for 24 hours or more.
31 The authority delegated to the ~~vice-chairman~~-vice-chair shall be relinquished immediately upon
32 the return of the ~~chairman~~-chair or at the request of the ~~chairman~~-chair.

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

35 **SECTION 2.4.(b)** The terms of the Industrial Commission members serving terms
36 established by Section 22 of S.L. 2011-287 shall terminate on June 30, 2013. The Governor
37 shall appoint new members subject to confirmation by the General Assembly. The terms of the
38 six new members of the Industrial Commission shall be staggered as follows:

- 39 (1) Two to serve terms beginning July 1, 2013, and expiring June 30, 2015, with
40 subsequent appointments to those positions serving four-year terms.
- 41 (2) Two to serve terms beginning July 1, 2013, and expiring June 30, 2016, with
42 subsequent appointments to those positions serving four-year terms.
- 43 (3) Two to serve terms beginning July 1, 2013, and expiring June 30, 2017, with
44 subsequent appointments to those positions serving four-year terms.

45 **SECTION 2.4.(c)** Effective July 1, 2013, Section 22 of S.L. 2011-287 is repealed.

46 UTILITIES COMMISSION

47 **SECTION 2.5.(a)** G.S. 62-10 reads as rewritten:

48 "§ 62-10. **Number; appointment; terms; qualifications; ~~chairman~~-chair; vacancies;**
49 **compensation; other employment prohibited.**
50

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

13 (a1) Members of the Commission are covered persons for the purposes of Chapter 138A
14 of the General Statutes, the State Government Ethics Act. As covered persons, members of the
15 Commission shall comply with the applicable requirements of the State Government Ethics
16 Act, including mandatory training, the public disclosure of economic interests, and ethical
17 standards for covered persons. Members of the Commission shall comply with the provisions
18 of the State Government Ethics Act to avoid conflicts of interest.

19 Members of the Commission shall not be an office holder of any political party and shall
20 not serve as a delegate to a political convention of any political party.

21 ~~(b) The terms of the commissioners now serving shall expire at the conclusion of the~~
22 ~~term for which they were appointed which shall remain as before with two regular eight year~~
23 ~~terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on~~
24 ~~July 1 of each eighth year after July 1, 1963. The terms of office of utilities commissioners~~
25 ~~thereafter shall be six years commencing on July 1 of the year in which the predecessor terms~~
26 ~~expired, and ending on July 1 June 30 of the sixth year thereafter.~~

27 ~~(c) In order to increase the number of commissioners to seven, the names of two~~
28 ~~additional commissioners shall be submitted to the General Assembly on or before May 27,~~
29 ~~1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The~~
30 ~~commissioners so appointed and confirmed shall serve new terms commencing on July 1, 1975,~~
31 ~~one of which shall be for a period of two years (with the immediate successor serving for a~~
32 ~~period of six years), and one of which shall be for a period of two years.~~

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

35 (d) A commissioner in office shall continue to serve until ~~his~~ a successor is duly
36 confirmed and qualified but such holdover shall not affect the expiration date of such
37 succeeding term.

38 (e) ~~On July 1, 1965, and every~~ Every four years ~~thereafter,~~ one of the commissioners
39 shall be designated by the Governor to serve as ~~chairman~~ chair of the Commission for the
40 succeeding four years and until his successor is ~~duly confirmed and qualifies~~ designated. Upon
41 ~~death~~ death, end of term, or resignation of the commissioner ~~appointed~~ designated as
42 ~~chairman~~ chair, the Governor shall designate the ~~chairman~~ chair from the remaining
43 ~~commissioners and appoint a successor as hereinafter provided to fill the vacancy on the~~
44 ~~Commission~~ commissioners.

45 (f) In case of death, incapacity, resignation or vacancy for any other reason in the office
46 of any commissioner prior to the expiration of his term of office, the name of ~~his~~ a successor
47 shall be submitted by the Governor within four weeks after the vacancy arises to the General
48 Assembly for confirmation by the General Assembly. Upon failure of the Governor to submit
49 the name of the successor, the Lieutenant Governor and Speaker of the House jointly shall
50 submit the name of a successor to the General Assembly within six weeks after the vacancy
51 arises. Regardless of the way in which names of commissioners are submitted, confirmation of

1 commissioners must be accomplished prior to the adjournment of the then current session of
2 the General Assembly.

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

7"

8 **SECTION 2.5.(b)** G.S. 62-10(a), as amended by subsection (a) of this section,
9 reads as rewritten:

10 "(a) The North Carolina Utilities Commission shall consist of ~~seven~~ five commissioners
11 who shall be appointed by the Governor subject to confirmation by the General Assembly by
12 joint resolution. The names of commissioners to be appointed by the Governor shall be
13 submitted by the Governor to the General Assembly for confirmation by the General Assembly
14 on or before May 1, of the year in which the terms for which the appointments are to be made
15 are to expire. Upon failure of the Governor to submit names as herein provided, the Lieutenant
16 Governor and Speaker of the House jointly shall submit the names of a like number of
17 commissioners to the General Assembly on or before May 15 of the same year for confirmation
18 by the General Assembly. Regardless of the way in which names of commissioners are
19 submitted, confirmation of commissioners must be accomplished prior to adjournment of the
20 then current session of the General Assembly."

21 **SECTION 2.5.(c)** Reduce Terms and Number of Commissioners. – The terms held
22 by commissioners serving on the Commission as of January 1, 2013, for terms of office that
23 expire on June 30, 2017, shall instead expire June 30, 2015. The term of any appointee
24 confirmed by the General Assembly to fill the unexpired term of the position on the
25 Commission vacant as of January 1, 2013, shall expire on June 30, 2015, instead of June 30,
26 2017. To reduce the number of Commissioners as provided in subsection (b) of this section,
27 two of the positions that are vacant as of July 1, 2015, are eliminated as of July 1, 2015.

28 **SECTION 2.5.(d)** Appointments by the Governor. – By May 1, 2013, the
29 Governor shall submit two names of appointees subject to confirmation by the General
30 Assembly for positions on the Commission for terms that shall begin on July 1, 2013, and
31 expire on June 30, 2017. Appointees submitted by the Governor for these positions shall
32 conform to all of the requirements of G.S. 62-10, including the requirements enacted by
33 Section 2.5(a) of this act.

34 **SECTION 2.5.(e)** Subsection (a) of this section becomes effective July 1, 2013.
35 Subsection (b) of this section becomes effective July 1, 2015. The remainder of this section is
36 effective when it becomes law.

37 38 **WILDLIFE RESOURCES COMMISSION**

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

40 "**§ 143-241. Appointment and terms of office of Commission members; filling of**
41 **vacancies.**

42 The members of the North Carolina Wildlife Resources Commission shall be appointed as
43 follows:

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

46 The Governor shall appoint one member each from the second, fifth, and eighth wildlife
47 districts to serve ~~two-year~~ four-year terms;

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

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

1 The General Assembly shall appoint ~~eight~~¹⁰ members of the Commission to serve two-year
2 terms, ~~four~~^{five} upon the recommendation of the Speaker of the House, ~~four~~^{and five} upon the
3 recommendation of the President Pro Tempore of the Senate, in accordance with
4 G.S. 120-121. ~~Of the members appointed upon the recommendation of the Speaker of the House~~
5 ~~and upon the recommendation of the President Pro Tempore of the Senate, at least one of each~~
6 ~~shall be a member of the political party to which the largest minority of the members of the~~
7 ~~General Assembly belongs.~~

8 The terms of all appointed members serving on the Commission as of January 1, 2013, shall
9 terminate on June 30, 2013. The members initially appointed by the Governor from
10 even-numbered districts shall be appointed for two-year terms, and those from odd-numbered
11 districts shall be initially appointed to four-year terms. Thereafter as the terms of the office of
12 the members of the Commission appointed by the Governor from the several wildlife districts
13 expire, their successors shall be appointed for terms of ~~six~~^{four} years each. As the terms of
14 office of the members of the Commission appointed by the General Assembly expire, their
15 successors shall be appointed for terms of two years each. All members appointed by the
16 Governor serve at the pleasure of the Governor that appointed them and they may be removed
17 by that Governor at any time. A successor to the appointing Governor may remove a
18 Commission member only for cause as provided in G.S. 143B-13. Members appointed by the
19 General Assembly serve at the pleasure of that body and may be removed by law at any time.
20 In the event that a Commission member is removed, the member appointed to replace the
21 removed member shall serve only for the unexpired term of the removed member."

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

23 **"§ 143-243. Organization of the Commission; election of officers; Robert's Rules of**
24 **Order.**

25 The Commission shall hold at least two meetings annually, one in January and one in July,
26 and ~~seven~~^{a majority of the} members of the Commission shall constitute a quorum for the
27 transaction of business. Additional meetings may be held at such other times within the State as
28 may be deemed necessary for the efficient transaction of the business of the Commission. The
29 Commission may hold additional or special meetings at any time at the call of the chairman or
30 on call of any five members of the Commission. The Commission shall determine its own
31 organization and methods of procedure in accordance with the provisions of this Article, and
32 shall have an official seal, which shall be judicially noticed.

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

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

46 Meetings of the Commission shall be conducted pursuant to Robert's Rules of Order."
47

48 **NORTH CAROLINA TURNPIKE AUTHORITY**

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

50 **"§ 136-89.182. North Carolina Turnpike Authority.**

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

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

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

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

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

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

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

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

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

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

48 (k) Executive Director and Administrative Employees. – ~~The Authority Board shall~~
49 ~~appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its~~
50 ~~pleasure. The Secretary of Transportation, or the Secretary's designee, The Executive~~
51 ~~Director shall be the Authority's chief administrative officer and shall be responsible for the~~

1 daily administration of the toll roads and bridges constructed, maintained, or operated pursuant
2 to this Article. ~~The Secretary, or the Secretary's designee, The Executive Director or his~~
3 ~~designee~~ shall appoint, employ, dismiss, and, within the limits approved by the Authority
4 Board, fix the compensation of administrative employees as the Executive Director deems
5 necessary to carry out this Article.

6 (l) Office. – The offices of the Authority may be housed in one or more facilities of the
7 Department of Transportation."
8

9 SPECIAL SUPERIOR COURT JUDGES

10 **SECTION 2.8.** G.S. 7A-45.1 is amended by adding a new subsection to read:

11 "(a8) Notwithstanding any other provision of this section, except as to the three special
12 judges designated as of January 1, 2013, under G.S. 7A-45.3 as business court judges, any
13 special judge seat established by this section is abolished effective on the expiration of the term
14 being served on April 1, 2013."
15

16 STATE BOARD OF ELECTIONS

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

18 **"§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

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

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

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

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

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

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

1 "I, _____, do solemnly swear (or affirm) that I will support the
2 Constitution of the United States; that I will be faithful and bear true
3 allegiance to the State of North Carolina, and to the constitutional powers
4 and authorities which are or may be established for the government thereof;
5 that I will endeavor to support, maintain and defend the Constitution of said
6 State, and that I will well and truly execute the duties of the office of
7 member of the State Board of Elections according to the best of my
8 knowledge and ability, according to law, so help me, God."

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

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

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

18 STATE BOARD OF EDUCATION

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

20 "**§ 115C-11. Organization and internal procedures of Board.**

21 (a) Presiding Officer. – The Governor shall appoint a chairman from among the
22 membership of the State Board of Education. The chairman shall serve in that role at the
23 pleasure of the Governor. The State Board of Education shall elect from its membership a
24 ~~chairman and~~ vice-chairman. A majority of the Board shall constitute a quorum for the
25 transaction of business. Per diem and expenses of the appointive members of the Board shall be
26 provided by the General Assembly. The chairman of the Board shall preside at all meetings of
27 the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of
28 both the chairman and the vice-chairman, the Board shall name one of its own members as
29 chairman pro tempore.
30

31 ...

32 (h) Rules and Regulations. – The Board shall adopt reasonable rules and regulations not
33 inconsistent herewith, to govern its proceedings which the Board may amend from time to time,
34 which rules and regulations shall become effective when filed as provided by law: Provided,
35 however, a motion to suspend the rules so adopted shall require a consent of two-thirds of the
36 members. The rules and regulations shall include, but not be limited to, clearly defined
37 procedures for electing the ~~officers~~ vice-chairman and chairman pro tempore of the State Board
38 referred to in G.S. 115C-11(a), fixing the term of ~~said officers,~~ the vice-chairman, specifying
39 how the voting shall be carried out, and establishing a date when the first election shall be
40 held."
41

42 NORTH CAROLINA STATE LOTTERY COMMISSION

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

44 "**§ 18C-111. Commission membership; appointment; selection of chair; vacancies;**
45 **removal; meetings; compensation.**

46 (a) The Commission shall consist of nine members, five of whom shall be appointed by
47 the Governor, two of whom shall be appointed by the General Assembly upon the
48 recommendation of the President Pro Tempore of the Senate, and two of whom shall be
49 appointed by the General Assembly upon the recommendation of the Speaker of the House of
50 Representatives. Commissioners may be removed by the appointing authority for cause. The

1 Governor shall select the chair of the Commission from among its membership, who shall serve
2 at the pleasure of the Governor.

3 (b) The terms of all members serving on the Commission as of January 1, 2013, shall
4 terminate on the effective date of this section. No later than July 1, 2013, Of the initial
5 appointees of the Governor, the Governor shall appoint five members to serve terms of two
6 years. three members shall serve a term of one year, one member shall serve a term of two
7 years, and one member shall serve a term of three years. Of the initial appointees of the
8 than July 1, 2013, the General Assembly Assembly, upon the recommendation of the President
9 Pro Tempore of the Senate, ~~one member shall serve a term of two years, and one member shall~~
10 ~~serve a term of three years.~~ shall appoint two members to serve terms of two years. ~~Of the~~
11 ~~initial appointees of~~ No later than July 1, 2013, the General Assembly upon the
12 recommendation of the Speaker of the House of Representatives, ~~one member shall serve a~~
13 ~~term of two years, and one member serve a term of three years.~~ shall appoint two members to
14 serve terms of two years. Initial terms shall expire on June 30 of the year of expiration. All
15 succeeding appointments shall be for terms of ~~five~~ two years. Members shall not serve for more
16 than two successive terms.

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

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

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

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

24

25 CHARTER SCHOOL ADVISORY COMMITTEE

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

27 **SECTION 2.13.(b)** The North Carolina Charter School Advisory Council, as
28 established by the State Board of Education on August 4, 2011, by Policy TCS-B-006, is
29 abolished.

30 **SECTION 2.13.(c)** This section is effective when this act becomes law.

31

32 BOARD OF TRANSPORTATION

33 **SECTION 2.14.(a)** G.S. 143B-350(b)(1) reads as rewritten:

34 "(1) Number, appointment. – The Board of Transportation shall have ~~19~~21 voting
35 members. Fourteen of the members shall be division members appointed by
36 the Governor. Five shall be at-large members appointed by the Governor.
37 One shall be an at-large member appointed by the General Assembly upon
38 recommendation of the President Pro Tempore of the Senate, and one shall
39 be an at-large member appointed by the General Assembly upon
40 recommendation of the Speaker of the House of Representatives. At least
41 three members of the Board appointed by the Governor shall be registered
42 voters of a political party other than the political party of the Governor. The
43 Secretary of Transportation shall serve as an ex officio nonvoting member of
44 the Board. No more than two members of the Board appointed by the
45 Governor may reside in the same highway division."

46 **SECTION 2.14.(b)** G.S. 143B-350(c) reads as rewritten:

47 "(c) ~~Staggered Terms. – The terms of all Board members serving on the Board prior to~~
48 ~~January 15, 2001, shall expire on January 14, 2001. A new board of 19 members shall be~~
49 ~~appointed with terms beginning on January 15, 2001. The Board shall serve the following~~
50 ~~terms: division members representing divisions 1, 3, 5, 7, 9, 11, and 13 and the three at large~~
51 ~~members filling the positions designated in sub subdivisions (b)(3)a., b., and e. of this section~~

1 shall serve four year terms beginning on January 15, 2001, and four year terms thereafter; and
 2 division members representing divisions 2, 4, 6, 8, 10, 12, and 14 and the two at-large members
 3 filling the positions designated in sub-subdivisions (b)(3)e. and d. of this section shall serve
 4 two year terms beginning January 15, 2001, and four year terms thereafter. The terms of
 5 members shall be for four years beginning January 15, 2013, and quadrennially thereafter,
 6 except that the terms of at-large members appointed by the General Assembly shall be for two
 7 years beginning on January 15, 2013, and biennially thereafter."

8 **SECTION 2.14.(c)** The terms of the nine members of the Board of Transportation
 9 previously appointed for terms expiring January 14, 2015, expire upon appointment of their
 10 replacements as provided in this section. The Governor shall designate for each of the nine new
 11 appointments which member is being replaced.

12 **DIETETICS/NUTRITION BOARD**

13 **SECTION 2.15.(a)** G.S. 90-353 reads as rewritten:

14 "**§ 90-353. Creation of Board.**

15 (a) The North Carolina Board of Dietetics/Nutrition is created. The Board shall consist
 16 of ~~seven~~ five members as follows:

- 17 (1) One member shall be a professional whose primary practice is clinical
 18 dietetics/nutrition;
- 19 (2) One member shall be a professional whose primary practice is community or
 20 public health ~~dietetics/nutrition;~~ dietetics/nutrition, or an educator on the
 21 faculty of a college or university specializing in the field of
 22 dietetics/nutrition;
- 23 (3) ~~One member shall be a professional whose primary practice is consulting in~~
 24 ~~dietetics/nutrition;~~
- 25 (4)(3) One member shall be a professional whose primary practice is in
 26 management of nutritional services;
- 27 (5) ~~One member shall be an educator on the faculty of a college or university~~
 28 ~~specializing in the field of dietetics/nutrition;~~
- 29 (6)(4) Two members shall represent the public at large.

30 (b) Professional members of the Board shall:

- 31 (1) Be citizens of the United States and residents of this State;
- 32 (2) Have practiced in the field of dietetics/nutrition for at least five years; and
- 33 (3) Be licensed under this ~~Article, except that initial appointees shall be licensed~~
 34 ~~under this Article no later than March 31, 1992.~~ Article.

35 (c) The members of the Board appointed from the public at large shall be citizens of the
 36 United States and residents of this State and shall not be any of the following:

- 37 (1) A dietician/nutritionist.
- 38 (2) An agent or employee of a person engaged in the profession of
 39 dietetics/nutrition.
- 40 (3) A licensed health care professional or enrolled in a program to become
 41 prepared to be a licensed health care professional.
- 42 (4) An agent or employee of a health care institution, a health care insurer, or a
 43 health care professional school.
- 44 (5) A member of any allied health profession or enrolled in a program to
 45 become prepared to be a member of an allied health profession.
- 46 (6) The spouse of an individual who may not serve as a public member of the
 47 Board."

48 **SECTION 2.15.(b)** G.S. 90-354(a) reads as rewritten:

49 "(a) The members of the Board shall be appointed as follows:
 50

- 1 (1) The Governor shall appoint the three professional member~~members~~
2 described in ~~G.S. 90-353(a)(5) and the two public members described in~~
3 ~~G.S. 90-353(a)(6);G.S. 90-353(a);~~
- 4 (2) The General Assembly upon the recommendation of the Speaker of the
5 House of Representatives shall appoint ~~the professional members~~one
6 member representing the public described in G.S. 90-353(a)(1) and
7 ~~G.S. 90-353(a)(2)~~in accordance with ~~G.S. 120-121, one of whom shall be a~~
8 ~~nutritionist with a masters or higher degree in a nutrition related~~
9 ~~discipline;G.S. 120-121; and~~
- 10 (3) The General Assembly upon the recommendation of the President Pro
11 Tempore of the Senate shall appoint one member representing the public~~the~~
12 ~~professional members described in G.S. 90-353(a)(3) and~~
13 ~~G.S. 90-353(a)(4)~~in accordance with ~~G.S. 120-121, one of whom shall be a~~
14 ~~nutritionist with a masters or higher degree in a nutrition related~~
15 ~~discipline.G.S. 120-121.~~
- 16 (b) The terms of all members of the Board serving on January 1, 2013, shall expire June
17 30, 2013. Members of the Board shall take office on the first day of July immediately following
18 the expired term of that office and shall serve for a term of three years and until their successors
19 are appointed and qualified."

20 OFFICE OF ADMINISTRATIVE HEARINGS

21 **SECTION 2.18.(a)** G.S. 7A-753 reads as rewritten:

22 **"§ 7A-753. Additional administrative law judges; appointment; specialization.**

23 The Chief Administrative Law Judge shall appoint additional administrative law judges to
24 serve in the Office of Administrative Hearings in such numbers as the General Assembly
25 provides. Each administrative law judge appointed under this section shall serve a term of four
26 years. No person shall be appointed or designated an administrative law judge except as
27 provided in this Article.

28 The Chief Administrative Law Judge may designate certain administrative law judges as
29 having the experience and expertise to preside at specific types of contested cases and assign
30 only these designated administrative law judges to preside at those cases."

31 **SECTION 2.18.(b)** G.S. 7A-760(a) reads as rewritten:

32 "(a) The number of administrative law judges and employees of the Office of
33 Administrative Hearings shall be established by the General Assembly. The Chief
34 Administrative Law Judge is exempt from provisions of the State Personnel Act as provided by
35 G.S. 126-5(c1)(26). Administrative law judges appointed in accordance with G.S. 7A-753 are
36 exempt from the provisions of the State Personnel Act. All other employees of the Office of
37 Administrative Hearings are subject to the State Personnel Act."

38 **SECTION 2.18.(c)** Section 2.18(a) is effective when it becomes law and applies to
39 any administrative law judge appointed on or after the effective date of this act. Section 2.18(b)
40 is effective when it becomes law and applies to any administrative law judge serving on or after
41 the effective date of this act.

42 PART III. EFFECTIVE DATE

43 **SECTION 3.1.** If any provision of this act or its application is held invalid, the
44 invalidity does not affect other provisions or applications of this act that can be given effect
45 without the invalid provisions or application, and to this end the provisions of this act are
46 severable.

47 **SECTION 3.2.** Unless otherwise provided, this act is effective when it becomes
48 law. If the terms of office eliminated in this act have not been set out, then the appointing
49 authorities shall determine by July 1, 2013, which terms to eliminate to achieve the
50
51

1 membership totals pursuant to this act. After determining which terms to eliminate, the
2 appointing authority shall notify in writing all the persons and entities required to receive
3 notification pursuant to G.S. 143-47.7.