

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 701  
PROPOSED COMMITTEE SUBSTITUTE H701-PCS30384-RN-14

Short Title: OLB Uniform Discipline and Increase Oversight.

(Public)

Sponsors:

Referred to:

April 11, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES  
3 GOVERNING HEARINGS IN ORDER TO EXERCISE THE POWER TO SUMMARILY  
4 SUSPEND LICENSES AND TO INCREASE OVERSIGHT OF OCCUPATIONAL  
5 LICENSING BOARDS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 150B-3 reads as rewritten:

8 "§ 150B-3. Special provisions on licensing.

9 ...

10 (c) If the agency finds that the public health, safety, or welfare requires emergency  
11 action and incorporates this finding in its order, summary suspension of a license or  
12 occupational license may be ordered effective on the date specified in the order or on service of  
13 the certified copy of the order at the last known address of the licensee, whichever is later, and  
14 effective during the proceedings. The proceedings shall be promptly commenced and  
15 determined. An occupational licensing board, as defined in Chapter 93B of the General  
16 Statutes, shall not summarily suspend an occupational license unless the occupational licensing  
17 board has first adopted rules governing the conduct of its hearings in accordance with  
18 G.S. 150B-38(h).

19 Nothing in this subsection shall be construed as amending or repealing any special statutes,  
20 in effect prior to February 1, 1976, which provide for the summary suspension of a license.

21 ...."

22 SECTION 2. G.S. 93B-1 reads as rewritten:

23 "§ 93B-1. ~~Definitions.~~Definitions; list of occupational licensing boards.

24 (a) As used in this ~~Chapter.~~Chapter, the following definitions apply:

25 (1) ~~"License" means any license (other than a privilege license).~~License. – Any  
26 license, other than a privilege license, certificate, or other evidence of  
27 qualification which an individual is required to obtain before he or she may  
28 engage in or represent himself or herself to be a member of a particular  
29 profession or occupation.

30 (2) ~~"Occupational licensing board" means any Occupational licensing board. –~~  
31 Any board, committee, commission, or other agency in North Carolina  
32 which receives no General Fund revenue and is established for the primary  
33 purpose of regulating the entry of persons into, and/or the conduct of persons  
34 within, a particular profession or occupation, and which is authorized to  
35 issue licenses; "occupational licensing board" does not include State  
36 agencies, staffed by full-time State employees, which as a part of their



\* H 7 0 1 - P C S 3 0 3 8 4 - R N - 1 4 \*

1 ~~regular functions may issue licenses given statutory authority to do all of the~~  
2 ~~following:~~

- 3 a. Determine minimum qualifications required for licensure for a  
4 particular profession or occupation.  
5 b. Issue licenses to qualified applicants.  
6 c. Regulate the conduct of licensees within a particular profession or  
7 occupation.  
8 d. Seek injunctive relief to prohibit unlicensed individuals or entities  
9 from engaging in certain activities as defined by statute.  
10 e. Collect fees to support agency operations.

11 (b) Occupational licensing boards include only those boards specifically identified in  
12 this subsection. No additional boards or commissions shall be added to this list without first  
13 having been approved by the Joint Legislative Administrative Procedure Oversight Committee  
14 of the General Assembly as being necessary in that the profession subject to licensure affects  
15 the health, safety, or welfare of the public and that mandatory licensure is necessary to ensure  
16 minimum standards of competency so as to protect the public from unqualified persons or  
17 unprofessional conduct by persons or entities practicing in the profession. Occupational  
18 licensing boards shall include only the following:

- 19 (1) Acupuncture Licensing Board.  
20 (2) Alarm Systems Licensing Board.  
21 (3) Board of Examiners for Speech and Language Pathologists and  
22 Audiologists.  
23 (4) Midwifery Joint Subcommittee.  
24 (5) North Carolina Appraisal Board.  
25 (6) North Carolina Auctioneers Commission.  
26 (7) North Carolina Board for Licensing of Geologists.  
27 (8) North Carolina Board for Licensing of Soil Scientists.  
28 (9) North Carolina Board of Architecture.  
29 (10) North Carolina Board of Athletic Trainer Examiners.  
30 (11) North Carolina Board of Cosmetic Art Examiners.  
31 (12) North Carolina Board of Dietetics/Nutrition.  
32 (13) North Carolina Board of Electrolysis Examiners.  
33 (14) North Carolina Board of Funeral Service.  
34 (15) North Carolina Board of Landscape Architects.  
35 (16) North Carolina Board of Licensed Professional Counselors.  
36 (17) North Carolina Board of Massage and Bodywork Therapy.  
37 (18) North Carolina Board of Nursing.  
38 (19) North Carolina Board of Occupational Therapy.  
39 (20) North Carolina Board of Pharmacy.  
40 (21) North Carolina Board of Physical Therapy Examiners.  
41 (22) North Carolina Board of Podiatry Examiners.  
42 (23) North Carolina Board of Recreational Therapy Licensure.  
43 (24) North Carolina Cemetery Commission.  
44 (25) North Carolina Criminal Justice Education and Training Standards  
45 Commission.  
46 (26) North Carolina Home Inspector Licensure Board.  
47 (27) North Carolina Interpreter and Transliterater Licensing Board.  
48 (28) North Carolina Irrigation Contractors' Licensing Board.  
49 (29) North Carolina Landscape Contractors' Licensing Board.  
50 (30) North Carolina Locksmith Licensing Board.  
51 (31) North Carolina Marriage and Family Therapy Licensure Board.

- 1           (32) North Carolina Medical Board.  
 2           (33) North Carolina On-Site Wastewater Contractors and Inspectors Certification  
 3           Board.  
 4           (34) North Carolina Psychology Board.  
 5           (35) North Carolina Real Estate Commission.  
 6           (36) North Carolina Respiratory Care Board.  
 7           (37) North Carolina Social Work Certification and Licensure Board.  
 8           (38) North Carolina State Board of Dental Examiners.  
 9           (39) North Carolina State Board of Examiners for Engineers and Surveyors.  
 10          (40) North Carolina State Board of Examiners for Nursing Home Administrators.  
 11          (41) North Carolina State Board of Examiners in Optometry.  
 12          (42) North Carolina State Board of Examiners of Fee-Based Practicing Pastoral  
 13          Counselors.  
 14          (43) North Carolina State Board of Opticians.  
 15          (44) North Carolina State Hearing Aid Dealers and Fitters Board.  
 16          (45) North Carolina State Licensing Board for General Contractors.  
 17          (46) North Carolina Substance Abuse Professional Practice Board.  
 18          (47) North Carolina Veterinary Medical Board.  
 19          (48) Private Protective Services Board.  
 20          (49) Public Librarian Certification Commission.  
 21          (50) Sheriffs' Education and Training Standards Commission.  
 22          (51) State Board of Barber Examiners.  
 23          (52) State Board of Certified Public Accountant Examiners.  
 24          (53) State Board of Chiropractic Examiners.  
 25          (54) State Board of Environmental Health Specialist Examiners.  
 26          (55) State Board of Examiners of Electrical Contractors.  
 27          (56) State Board of Examiners of Plumbing, Heating, and Fire Sprinkler  
 28          Contractors.  
 29          (57) State Board of Refrigeration Examiners.  
 30          (58) State Board of Registration for Foresters."

31       **SECTION 3.** G.S. 93B-2 reads as rewritten:

32       **"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to**  
 33       **report.**

34       (a) No later than October 31 of each year, each occupational licensing board shall file  
 35       electronically with the ~~Secretary of State, the Attorney General, and the Joint Legislative~~  
 36       ~~Administrative Procedure Oversight Committee-Committee, the Department of Commerce, the~~  
 37       ~~State Auditor, the Office of State Budget and Management, and the State Controller~~ an annual  
 38       report containing all of the following information:

- 39           (1) The address of the board, and the names of its members and officers.  
 40           (1a) The total number of licensees supervised by the board.  
 41           (2) The number of persons who applied to the board for examination.  
 42           (3) The number who were refused examination.  
 43           (4) The number who took the examination.  
 44           (5) The number to whom initial licenses were issued.  
 45           (5a) The number who failed the examination.  
 46           (6) The number who applied for license by reciprocity or comity.  
 47           (7) The number who were granted licenses by reciprocity or comity.  
 48           (7a) The number of official complaints received involving licensed and  
 49           unlicensed activities.  
 50           (7b) The number of disciplinary actions taken against licensees, or other actions  
 51           taken against nonlicensees, including injunctive relief.

- 1 (8) The number of licenses suspended or revoked.
- 2 (9) The number of licenses terminated for any reason other than failure to pay  
3 the required renewal fee.
- 4 (10) The substance of any anticipated request by the occupational licensing board  
5 to the General Assembly to amend statutes related to the occupational  
6 licensing board.
- 7 (11) The substance of any anticipated change in rules adopted by the  
8 occupational licensing board or the substance of any anticipated adoption of  
9 new rules by the occupational licensing board.
- 10 (12) A financial report that includes the source and amount of all funds credited  
11 to the occupational licensing board and the purpose and amount of all funds  
12 disbursed by the occupational licensing board during the previous fiscal  
13 year.
- 14 (13) The certification of a proper system of internal control and other financial  
15 information as required by G.S. 143D-7.
- 16 (14) A report of all civil penalties, civil forfeitures, and civil fines collected and  
17 remitted to the Civil Penalty and Forfeiture Fund pursuant to  
18 G.S. 115C-457.2.
- 19 (15) The statute or rule authorizing each fee collected, the amount of the fee, the  
20 date the fee was last changed, the number of times the fee was collected  
21 during the prior reporting period, and the total receipts resulting from the fee  
22 during the prior reporting period.
- 23 (16) If the occupational licensing board has a budget of at least fifty thousand  
24 dollars (\$50,000), a financial audit of its operations.

25 (b) ~~No later than October 31 of each year, each occupational licensing board shall file~~  
26 ~~electronically with the Secretary of State, the Attorney General, the Office of State Budget and~~  
27 ~~Management, and the Joint Legislative Administrative Procedure Oversight Committee a~~  
28 ~~financial report that includes the source and amount of all funds credited to the occupational~~  
29 ~~licensing board and the purpose and amount of all funds disbursed by the occupational~~  
30 ~~licensing board during the previous fiscal year.~~

31 (c) The reports required by this section shall be open to public ~~inspection.~~inspection  
32 and shall be posted on the Internet Web site of the occupational licensing board.

33 (c1) Each occupational licensing board shall provide the Joint Legislative Administrative  
34 Procedure Oversight Committee with the name and contact information of the individual  
35 responsible for filing the reports required by this section. Each occupational licensing board  
36 shall keep this information current and notify the Committee within 30 days of any changes in  
37 this information.

38 (d) The Joint Legislative Administrative Procedure Oversight Committee shall review  
39 the reports submitted pursuant to this section and shall notify any board that fails to file the  
40 reports required by this section. Failure of a board to comply with the reporting requirements of  
41 this section by October 31 of each year shall result in a suspension of the board's authority to  
42 expend any funds until such time as the board files the required reports. Suspension of a board's  
43 authority to expend funds under this subsection shall not affect the board's duty to issue and  
44 renew licenses or the validity of any application or license for which fees have been tendered in  
45 accordance with law. Each board shall adopt rules establishing a procedure for implementing  
46 this subsection and shall maintain an escrow account into which any fees tendered during a  
47 board's period of suspension under this subsection shall be deposited."

48 **SECTION 4.** G.S. 93B-4 reads as rewritten:

49 **"§ 93B-4. Audit of Occupational Licensing Boards; payment of costs.**

50 (a) The State Auditor shall audit occupational licensing boards from time to time to  
51 ensure their proper operation. The books, records, and operations of each occupational

1 licensing board shall be subject to the oversight of the State Auditor pursuant to Article 5A of  
2 Chapter 147 of the General Statutes. In accordance with G.S. 147-64.7(b), the State Auditor  
3 may contract with independent professionals to meet the requirements of this section.

4 ~~(b) Each occupational licensing board with a budget of at least fifty thousand dollars~~  
5 ~~(\$50,000) shall conduct an annual financial audit of its operations and provide a copy to the~~  
6 ~~State Auditor."~~

7 **SECTION 5.** G.S. 93B-5 reads as rewritten:

8 "**§ 93B-5. Compensation, employment, and training of board members.**

9 (a) ~~Board~~ Notwithstanding the provisions of G.S. 138-5, board members shall receive  
10 as compensation for their services per diem not to exceed ~~one two~~ hundred dollars ~~(\$100.00)~~  
11 (\$200.00) for each day during which they are engaged in the official business of the board.

12 ...

13 (g) Within six months of a board member's initial appointment to the board, and at least  
14 once within every two calendar years thereafter, a board member shall receive training, either  
15 from the board's staff, including its legal advisor, or from an outside educational institution  
16 such as the School of Government of the University of North Carolina, on the statutes  
17 governing the board and rules adopted by the board, as well as the following State and federal  
18 laws, in order to better understand the obligations and limitations of a State agency:

19 (1) Chapter 150B, The Administrative Procedure Act.

20 (2) Chapter 132, The Public Records Law.

21 (3) Article 33C of Chapter 143, The Open Meetings Act.

22 (4) Articles 31 and 31A of Chapter 143, The State Tort Claims Act and The  
23 Defense of State Employees Law.

24 (5) Chapter 138A, The State Government Ethics Act.

25 (6) Chapter 120C, Lobbying.

26 (7) Antitrust law and State action immunity.

27 Completion of the training requirements contained in Chapter 138A and Chapter 120C of  
28 the General Statutes satisfies the requirements of subdivisions (5) and (6) of this subsection."

29 **SECTION 6.(a)** Chapter 93B of the General Statutes is amended by adding six  
30 new sections to read:

31 "**§ 93B-17. Occupational licensing board rule making.**

32 (a) Each occupational licensing board shall adopt rules for the receipt and resolution of  
33 complaints, for taking disciplinary or enforcement actions against its licensees, and for taking  
34 enforcement actions against persons not licensed by the board. No occupational licensing board  
35 shall summarily suspend a license unless the licensing board has adopted rules governing the  
36 conduct of its hearings in accordance with G.S. 150B-38(h).

37 (b) Any interpretation, clarification, or other delineation of the scope of practice of an  
38 occupational licensing board shall be adopted as a rule.

39 "**§ 93B-18. Unlicensed activity.**

40 (a) An occupational licensing board shall have the authority to investigate unlicensed  
41 activity and notify unlicensed persons and entities of the possible violation of the law and  
42 administrative rules and any civil action or criminal penalty that may be imposed by a court.  
43 The notification shall not indicate that the occupational licensing board has made any finding of  
44 a violation but may indicate the board's belief or opinion that a particular act may violate the  
45 board's enabling statutes, include factual information regarding legislation and court  
46 proceedings concerning the potential violation, and provide notice of the board's intention to  
47 pursue administrative remedies or court proceedings with regard to the potential violation.

48 (b) Any occupational licensing board providing notification to unlicensed persons and  
49 entities of a possible violation of the law and administrative rules and any civil action or  
50 criminal penalty that may be imposed by a court shall include the following statement in the  
51 notification:

1           You are hereby notified that the opinion expressed herein is not a legal  
2           determination. An occupational licensing board does not have the authority to  
3           order you to discontinue your current practices. Only a court may determine that  
4           you have violated or are violating any law and, if appropriate, impose a remedy  
5           or penalty for the violation. Further, pursuant to G.S. 150B-4, you may have the  
6           right, prior to initiation of any court action by the occupational licensing board,  
7           to request a declaratory ruling regarding whether your particular conduct is  
8           lawful. You are further notified that any right to a declaratory ruling  
9           supplements any other legal rights that you may already have to establish the  
10           legality of your conduct with respect to the goods or services you offer or  
11           provide.

12    **"§ 93B-19. Venue for court enforcement.**

13           The venue for occupational licensing boards seeking a court order for injunctive relief or to  
14           show cause for failure to comply with a subpoena lawfully issued by the occupational licensing  
15           board shall be in the superior court of the county where the defendant resides or in the county  
16           where the occupational licensing board has its principal place of business.

17    **"§ 93B-20. Injunctive relief.**

18           An occupational licensing board may appear in its own name in superior court in actions for  
19           injunctive relief to restrain the violation of the provisions of a statute administered by the board  
20           or a rule or order of the board. The superior court shall have the jurisdiction to grant these  
21           injunctions or restraining orders or take other appropriate action even if criminal prosecution  
22           has been or may be instituted as a result of the violations, or whether the person is a licensee of  
23           the board. No board shall issue such orders independently of the superior court unless  
24           specifically authorized to do so by law.

25    **"§ 93B-21. Jurisdictional disputes between boards.**

26           It is the policy of the State that jurisdictional disputes among occupational licensing boards  
27           shall be resolved through informal procedures. If a jurisdictional dispute among occupational  
28           licensing boards cannot be resolved through informal procedures, any affected board may  
29           commence an administrative proceeding to resolve the jurisdictional dispute by filing a petition  
30           with the Office of Administrative Hearings and serving the petition on all affected boards.  
31           Once the petition is filed and the required fee is paid, the dispute shall become a contested case  
32           and shall be conducted by the Office of Administrative Hearings under Articles 3 and 4 of  
33           Chapter 150B of the General Statutes.

34    **"§ 93B-22. Complaint process.**

35           Each occupational licensing board shall develop and implement a complaint process that  
36           provides for all of the following:

- 37           (1)    A description of the complaint process on the board's Web site, including the  
38                types of violations that are under the jurisdictional authority of the board.
- 39           (2)    Electronic complaint submission via the board's Web site, including a  
40                prominently displayed link to a complaint form.
- 41           (3)    The ability to provide complainants with a written description of the final  
42                disposition of each complaint."

43           **SECTION 6.(b)**    The complaint process provided for in G.S. 93B-22 shall be  
44           implemented and active on each board's Web site no later than January 1, 2018.

45           **SECTION 7.**    G.S. 115C-457.2 reads as rewritten:

46    **"§ 115C-457.2. Remittance of moneys to the Fund.**

47           The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected  
48           by a State agency and that the General Assembly is authorized to place in a State fund pursuant  
49           to Article IX, Section 7(b) of the Constitution shall be remitted to the Office of State Budget  
50           and Management by the officer having custody of the funds within 10 days after the close of  
51           the calendar month in which the revenues were received or collected. Notwithstanding any

1 other law, all such funds shall be deposited in the Civil Penalty and Forfeiture Fund. The clear  
2 proceeds of these funds include the full amount of all civil penalties, civil forfeitures, and civil  
3 fines collected under authority conferred by the State, diminished only by the actual costs of  
4 collection, not to exceed twenty percent (20%) of the amount collected. The collection cost  
5 percentage to be used by a State agency shall be established and approved by the Office of  
6 State Budget and Management on an annual basis based upon the computation of actual  
7 collection costs by each agency for the prior fiscal year. Occupational licensing boards as  
8 defined in G.S. 93B-1 shall satisfy the annual reporting obligation imposed under this section  
9 by including the information required in the occupational licensing board's annual report  
10 required pursuant to G.S. 93B-2."

11 **SECTION 8.** G.S. 143C-9-4 reads as rewritten:

12 **"§ 143C-9-4. Biennial fee report.**

13 The Office of State Budget and Management shall prepare a report biennially on the fees  
14 charged by each State department, bureau, division, board, commission, institution, and agency  
15 during the previous two fiscal years. The report shall include the statutory or regulatory  
16 authority for each fee, the amount of the fee, when the amount of the fee was last changed, the  
17 number of times the fee was collected during the prior fiscal year, and the total receipts from  
18 the fee during the prior fiscal year. The Office of State Budget and Management shall obtain  
19 the information required under this section for occupational licensing boards as defined in  
20 G.S. 93B-1 from the annual report filed by each occupational licensing board pursuant to  
21 G.S. 93B-2."

22 **SECTION 9.** G.S. 143D-7 reads as rewritten:

23 **"§ 143D-7. Agency management responsibilities.**

24 (a) The management of each State agency bears full responsibility for establishing and  
25 maintaining a proper system of internal control within that agency. Each principal executive  
26 officer and each principal fiscal officer shall annually certify, in a manner prescribed by the  
27 State Controller, that the agency has in place a proper system of internal control. The State  
28 Controller shall develop policies and procedures to direct agencies in their evaluation.

29 (b) The management of each State agency also bears the responsibility periodically to  
30 submit accurate and complete financial information to the State Controller for compilation into  
31 North Carolina State government's various financial reports and other related financial  
32 information disseminated to the public. With the submission of such periodic reports to the  
33 State Controller, each agency's principal executive officer and each agency's principal fiscal  
34 officer shall certify, in a manner prescribed by the State Controller, to the accuracy and  
35 completeness of the financial information submitted.

36 (c) Occupational licensing boards as defined in G.S. 93B-1 shall satisfy the annual  
37 reporting obligation imposed under this section by including the information required in the  
38 occupational licensing board's annual report required pursuant to G.S. 93B-2."

39 **SECTION 10.** G.S. 150B-38(a) reads as rewritten:

40 **"§ 150B-38. Scope; hearing required; notice; venue.**

41 (a) The provisions of this Article shall apply to:

- 42 (1) Occupational licensing ~~agencies~~ boards, as defined by G.S. 93B-1.
- 43 (2) The State Banking Commission, the Commissioner of Banks, and the Credit  
44 Union Division of the Department of Commerce.
- 45 (3) The Department of Insurance and the Commissioner of Insurance.
- 46 (4) The State Chief Information Officer in the administration of the provisions  
47 of Article 14 of Chapter 143B of the General Statutes.
- 48 (5) The North Carolina State Building Code Council.
- 49 (6) The State Board of Elections in the administration of any investigation or  
50 audit under the provisions of Article 22A of Chapter 163 of the General  
51 Statutes.

(7) The Securities Division of the Department of the Secretary of State."

**SECTION 11.** G.S. 150B-45 reads as rewritten:

**"§ 150B-45. Procedure for seeking review; waiver.**

(a) Procedure. – To obtain judicial review of a final decision under this Article, the person seeking review must file a petition within 30 days after the person is served with a written copy of the decision. The petition must be filed as follows:

(1) Contested tax cases. – A petition for review of a final decision in a contested tax case arising under G.S. 105-241.15 must be filed in the Superior Court of Wake County.

(2) Other final decisions. – A petition for review of any other final decision under this Article must be filed in the superior court of the county where the person aggrieved by the administrative decision resides, in the county where the agency has its principal place of business, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. If a petitioner files a petition in a county other than as provided in this subdivision, the superior court may order a change of venue pursuant to G.S. 1-83; provided, however, that improper venue shall not be grounds for dismissal of the petition.

(b) Waiver. – A person who fails to file a petition within the required time waives the right to judicial review under this Article. For good cause shown, however, the superior court may accept an untimely petition."

**SECTION 12.** The Joint Legislative Administrative Procedure Oversight Committee shall continue to monitor and study the effects of the opinion in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* and other issues related to the scope of practice jurisdiction of occupational licensing boards.

**SECTION 13.(a)** G.S. 86A-3 reads as rewritten:

**"§ 86A-3. Qualifications for certificate as a registered barber.**

A certificate of registration as a registered barber shall be issued by the Board to any person who meets all of the following qualifications:

(1) Has attended an approved barber school for at least 1528 hours.

(2) Has completed a 12-month apprenticeship under the supervision of a licensed barber, as provided in G.S. 86A-24.

(3) Has passed a clinical examination conducted by the Board.

(4) Has submitted to the Board the affidavit required by G.S. 86A-24(c) certifying that the applicant has served the apprenticeship required by subdivision (2).

(5) Has received a high school diploma or its equivalency or a high school graduation equivalency certificate and provided documentation thereof to the Board."

**SECTION 13.(b)** G.S. 86A-22 reads as rewritten:

**"§ 86A-22. Licensing and regulating barber schools and colleges.**

The North Carolina State Board of Barber Examiners may approve barber schools or colleges in the State, and may prescribe rules and regulations for their operation. The Board shall adopt rules establishing criteria for barber schools and colleges to maintain their accreditation. No barber school or college shall be approved by the Board unless the school or college meets all of the following requirements:

(1) Each school shall provide a course of instruction of at least ~~1528~~ 1,528 hours.

(2) Each school shall employ at least two instructors for the first 40 enrolled students and employ at least one additional instructor for every additional 20 enrolled students. Schools that are organized as nonprofits and have obtained



1 a ruling from the Internal Revenue Service recognizing their tax-exempt  
2 status shall have at least one instructor for every 20 enrolled students. No  
3 school, whether for profit or nonprofit, shall provide practical training and  
4 theoretical training simultaneously unless at least two instructors are present.

5 (2a) Each student shall have received a high school diploma or its equivalency or  
6 a high school graduation equivalency certificate and provided documentation  
7 thereof to the Board and the school.

8 (3) An application for a student's permit, on a form prescribed by the Board,  
9 must be filed with the Board before the student enters school. No student  
10 may enroll without having obtained a student's permit.

11 ...."

12 **SECTION 14.** G.S. 143B-68 reads as rewritten:

13 **"§ 143B-68. Public Librarian Certification Commission – members; selection; quorum;**  
14 **compensation.**

15 The Public Librarian Certification Commission of the Department of Natural and Cultural  
16 Resources shall consist of five members as follows: (i) ~~the chairman of the North Carolina~~  
17 ~~Association of Library Trustees, (ii) the chairman of the public libraries section of the North~~  
18 ~~Carolina Library Association, (iii) an individual~~ (ii) two individuals named by the Governor  
19 upon the nomination of the North Carolina Library Association, ~~(iv)~~(iii) the dean of a State or  
20 regionally accredited graduate school of librarianship in North Carolina appointed by the  
21 ~~Governor~~ Governor, and ~~(v)~~(iv) one member at large appointed by the Governor.

22 The members shall serve four-year terms or while holding the appropriate chairmanships.  
23 Any appointment to fill a vacancy created by the resignation, dismissal, death or disability of a  
24 member shall be for the balance of the unexpired term.

25 The Governor shall have the power to remove any member of the Commission from office  
26 for misfeasance, malfeasance, and nonfeasance according to the provisions of G.S. 143B-13 of  
27 the Executive Organization Act of 1973.

28 The members of the Commission shall receive per diem, and necessary travel expenses in  
29 accordance with the provisions of G.S. 138-5.

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

31 All clerical and other services required by the Commission shall be supplied by the  
32 Secretary of the Department through the regular staff of the Department."

33 **SECTION 15.** Except as otherwise provided, the act is effective when it becomes  
34 law and applies to licensing board actions occurring on or after that date.