

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

D

SENATE BILL 148
Judiciary Committee Substitute Adopted 3/14/17
House Committee Substitute Favorable 5/10/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S148-PCS15220-TG-28

Short Title: Juror Excused by Clerk/Modify Various Appts.

(Public)

Sponsors:

Referred to:

March 1, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE CHIEF DISTRICT COURT JUDGE MAY DELEGATE
AUTHORITY TO THE CLERK OF SUPERIOR COURT IN MATTERS RELATING TO
JURY SERVICE EXCUSALS; TO MODIFY TERMS OF APPOINTMENT FOR
VARIOUS BOARDS; TO REVISE AN EFFECTIVE DATE IN S.L. 2017-8; AND TO
PROVIDE FOR THE APPOINTMENT OF A PART-TIME SPECIAL
ADMINISTRATIVE LAW JUDGE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 9-6(b) reads as rewritten:

"§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.

...

(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate procedures whereby he or any district court judge of his district court district designated by him, prior to the date that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and pass on applications for excuses from jury duty. The procedures shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed. The chief district court judge, after consultation with and the consent of the clerk, may also delegate this authority to the clerk of superior court. In counties located in a district or set of districts as defined in G.S. 7A-41.1(a) which have a trial court administrator, the chief district judge may assign the duty of passing on applications for excuses from jury service to the administrator. In all cases concerning excuses, the clerk of court or the trial court administrator shall notify prospective jurors of the disposition of their excuses."

SECTION 1.(b) G.S. 9-6.1 reads as rewritten:

"§ 9-6.1. Requests to be excused.

(a) Any person summoned as a juror who is a full-time student and who wishes to be excused pursuant to G.S. 9-6.1(b1) [G.S. 9-6(b1)] or who is 72 years or older and who wishes to be excused, deferred, or exempted, may make the request without appearing in person by filing a signed statement of the ground of the request with the chief district court judge of that district, or the district court ~~judge-judge, the clerk of superior court if so delegated by the chief district court judge, or~~ a trial court administrator designated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the person is summoned to appear.



* S 1 4 8 - P C S 1 5 2 2 0 - T G - 2 8 *

1 (b) Any person summoned as a juror who has a disability that could interfere with the
 2 person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may
 3 make the request without appearing in person by filing a signed statement of the ground of the
 4 request, including a brief explanation of the disability that interferes with the person's ability to
 5 serve as a juror, with the chief district court judge of that district, or the district court ~~judge or~~
 6 judge, the clerk of superior court if so delegated by the chief district court judge, or a trial court
 7 administrator designated by the chief district court judge pursuant to G.S. 9-6(b), at any time
 8 five business days before the date upon which the person is summoned to appear. Upon request
 9 of the court, medical documentation of any disability may be submitted. Any privileged
 10 medical information or protected health information described in this section shall be
 11 confidential and shall be exempt from the provisions of Chapter 132 of the General Statutes or
 12 any other provision requiring information and records held by State agencies to be made public
 13 or accessible to the public.

14 (c) A person may request either a temporary or permanent exemption under this
 15 section, and the ~~judge-judge, clerk of superior court if so delegated by the chief district court~~
 16 judge, or trial court administrator may accept or reject either in the exercise of discretion
 17 conferred by G.S. 9-6(b), including the substitution of a temporary exemption for a requested
 18 permanent exemption. In the case of supplemental jurors summoned under G.S. 9-11, notice
 19 may be given when summoned. In case the chief district court judge, or the ~~judge-judge, clerk~~
 20 of superior court if so delegated by the chief district court judge, or trial court administrator
 21 designated by the chief district court judge pursuant to G.S. 9-6(b), rejects the request for
 22 exemption, the prospective juror shall be immediately notified by the trial court administrator
 23 or the clerk of court by telephone, letter, or personally."

24 **SECTION 2.(a)** G.S. 143-548 reads as rewritten:

25 **"§ 143-548. Vocational Rehabilitation Council.**

26 ...

27 (d1) Terms of Appointment. –

28 (1) Length of Term. – Each member of the Council shall serve for a term of not
 29 more than three years, except that:

- 30 a. A member appointed to fill a vacancy occurring prior to the
 31 expiration of the term for which a predecessor was appointed shall be
 32 appointed for the remainder of that term;
- 33 b. The terms of service of the members initially appointed are as
 34 specified by the appointing authority for a fewer number of years as
 35 will provide for the expiration of terms on a staggered basis and shall
 36 include the members of the existing Council to the extent possible
 37 with appropriate adjustments to their terms;
- 38 c. The appointing authority shall have the power to remove any
 39 member of the Council from office in accordance with the provisions
 40 of G.S. 143B-16; and
- 41 d. A member may continue to serve until a successor for the position is
 42 appointed;

43 (2) Number of Terms. – No member of the Council other than the representative
 44 of the Client Assistance ~~Program~~ Program, the representative of a parent
 45 training and information center, and the representative of the directors of
 46 projects carried out under section 121 of the Rehabilitation Act of 1973, 29
 47 U.S.C. § 741, as amended, may serve more than two consecutive full terms.

48"

49 **SECTION 2.(b)** G.S. 140-5.13 reads as rewritten:

50 **"§ 140-5.13. Board of Trustees. – establishment; members; selection; quorum;**
 51 **compensation; officers; meetings.**

1 ...
2 (b) The Board of Trustees of the North Carolina Museum of Art shall consist of 25
3 members, chosen as follows:

4 ...
5 All regular appointments or elections except those by the General Assembly shall be for terms
6 of six years, except that each member shall serve until the member's successor is chosen and
7 qualifies. No person may be appointed or elected to more than two consecutive terms of six
8 years. All ~~regular~~ appointments by the General Assembly shall be for ~~the then current~~
9 ~~legislative term, and no appointee of the General Assembly may be appointed to more than two~~
10 ~~consecutive terms of two years.~~ four years, with no person being appointed to more than three
11 consecutive terms.

12"

13 **SECTION 3.** Section 3.2(b) of S.L. 2017-8 reads as rewritten:

14 "**SECTION 3.2.(b)** This section becomes effective ~~October 1, 2017,~~ July 1, 2018, applies
15 to claims for benefits filed on or after that date, and applies to tax calculations on or after that
16 date."

17 **SECTION 4.** G.S. 7A-757 reads as rewritten:

18 "**§ 7A-757. Temporary administrative law judges; part-time special administrative law**
19 **judge; appointments; powers and standards; fees.**

20 (a) When regularly appointed administrative law judges are unavailable, the Chief
21 Administrative Law Judge of the Office of Administrative Hearings may contract with
22 qualified individuals to serve as administrative law judges for specific assignments. A
23 temporary administrative law judge shall have the same powers and adhere to the same
24 standards as a regular administrative law judge in the conduct of a hearing. A temporary
25 administrative law judge shall not be considered a State employee by virtue of this assignment,
26 and shall be remunerated for his service at a rate not to exceed three hundred dollars (\$300.00)
27 per day and shall be reimbursed for travel and subsistence expenses at the rate allowed to State
28 officers and employees by G.S. 138-6(a). The Chief Administrative Law Judge may also
29 designate a full-time State employee to serve as a temporary administrative law judge with the
30 consent of the employee and his supervisor; however, the employee is not entitled to any
31 additional pay for this service.

32 (b) The Chief Administrative Law Judge shall appoint a qualified individual to serve as
33 a part-time special administrative law judge. A part-time special administrative law judge
34 appointed pursuant to this subsection shall take the same oath of office as other administrative
35 law judges. Subject to availability, the individual may serve as a temporary administrative law
36 judge subject to the same rules, and subject to the same restrictions when sitting, as would
37 apply to a temporary administrative law judge appointed pursuant to subsection (a) of this
38 section. A part-time special administrative law judge shall not be considered a State employee
39 and shall not receive compensation for his or her service or be reimbursed for his or her
40 expenses, except when sitting as a temporary administrative law judge. The individual
41 appointed to this position shall have a term of four years. At the expiration of the term, the
42 Chief Administrative Law Judge may reappoint the previous appointee to a new four-year term
43 or appoint another individual to a new four-year term. If a vacancy in the position occurs for
44 any reason, the Chief Administrative Law Judge may appoint another individual for the
45 remainder of the term. A part-time special administrative law judge may be removed from
46 office by the Chief Administrative Law Judge for just cause, as that term is used in
47 G.S. 126-35."

48 **SECTION 5.** This act is effective when it becomes law. The Chief Administrative
49 Law Judge shall appoint a part-time special administrative law judge as described in Section 4
50 within 30 days of when this act becomes law.