

2011-2012

**SENATE
PROGRAM
EVALUATION**

MINUTES

SENATE PROGRAM EVALUATION COMMITTEE
Tuesday, February 8, 2011 at 12:00 PM
Room 421, Legislative Office Building

MINUTES

The Senate Program Evaluation Committee met at 1:00 PM on March 9, 2011, in Room 421 of the Legislative Office Building. Seventeen members of the committee were present. Sen. Debbie Clary presided.

Call to Order

Senator Debbie Clary called the meeting to order.

Reports and Appearances

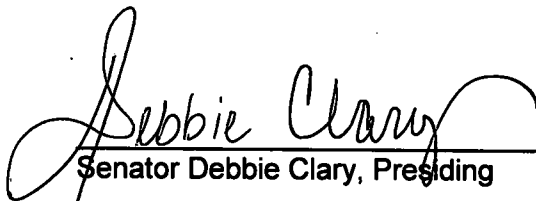
Senator Debbie Clary recognized John Turcotte, Director, Program Evaluation Division to present information on the:

- Joint Legislative Program Evaluation Oversight Committee history via a power point presentation (copy attached).
- Program Evaluation Division operations and staff (*Division Activities and Accomplishment 2008-2010 report* available during meeting)
- Completed projects and unrealized savings identified in completed reports.

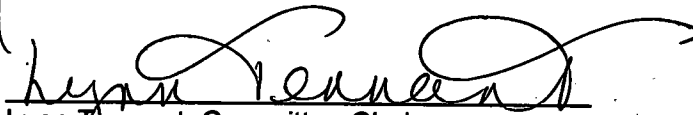
Senator Debbie Clary opened the floor to questions and comments.

Adjournment

With no further business before the committee, the committee adjourned at 1:00 p.m.



Senator Debbie Clary, Presiding



Lynn Tennant, Committee Clerk

**PROGRAM EVALUATION COMMITTEE
TUESDAY, FEBRUARY 8, 2011
12:00 P.M.**

SENATOR DEBBIE CLARY, CHAIR

AGENDA

Welcome

Introductions

Comments from Senator Debbie Clary, Chair

Comments from Senator Fletcher Hartzell, Vice-Chair

Review of Program Evaluation: John Turcotte, Director

Adjourn

Adjourn 1:50

[illegible]



Program Evaluation Division: Operations and Unrealized Savings

Presentation to the Senate
Program Evaluation Committee

February 8, 2011

John Turcotte, Director

PROGRAM EVALUATION DIVISION



NORTH CAROLINA GENERAL
ASSEMBLY

Presentation Overview



- Program Evaluation Division History and Resources
- Division Duties
- Introduction of Staff
- Topic Selection Process and Upcoming Survey of all Legislators
- Division Processes
- Summary of Reports to Date
- Current Division Projects by Type
- Summary of Unrealized Savings

PROGRAM EVALUATION DIVISION



NORTH CAROLINA GENERAL
ASSEMBLY



Program Evaluation Division History and Resources

- Created in June 2007 (S.L. 2007-78)
- Nonpartisan staff unit of the Legislative Services Commission
- Director serves at the Legislative Services Commission's pleasure
- Permanent staff of 10 plus 1 temporary and interns
 - May contract out projects if funded



Program Evaluation Division Duties

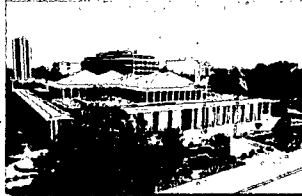
- To evaluate programs and activities of state agencies: emphasis on program results and return on state investment
- To make recommendations for improving program efficiency and effectiveness
- To follow up to determine implementation of recommendations





Senate Program Evaluation Committee
February 8, 2011

Where We Are in the General Assembly



North Carolina
General Assembly

Legislative Services Office

Administrative Division Bill Drafting Division Fiscal Research Division Information Systems Division Program Evaluation Division Research Division

PROGRAM EVALUATION DIVISION



NORTH CAROLINA GENERAL
ASSEMBLY

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Division Staff



John Turcotte
Director



Carol Ripple
Principal Evaluator



Carol Shaw
Principal Evaluator



Larry Yates
Principal Evaluator



Pam Taylor
Statistician



Michelle Beck
Senior Evaluator



Kiernan
McGorty
Senior Evaluator



Catherine
Moga Bryant
Senior Evaluator



Sean Hamel
Evaluator



Doris Gilbert
Support Staff



Laura Holt-
Kabel
Research Assistant

PROGRAM EVALUATION DIVISION

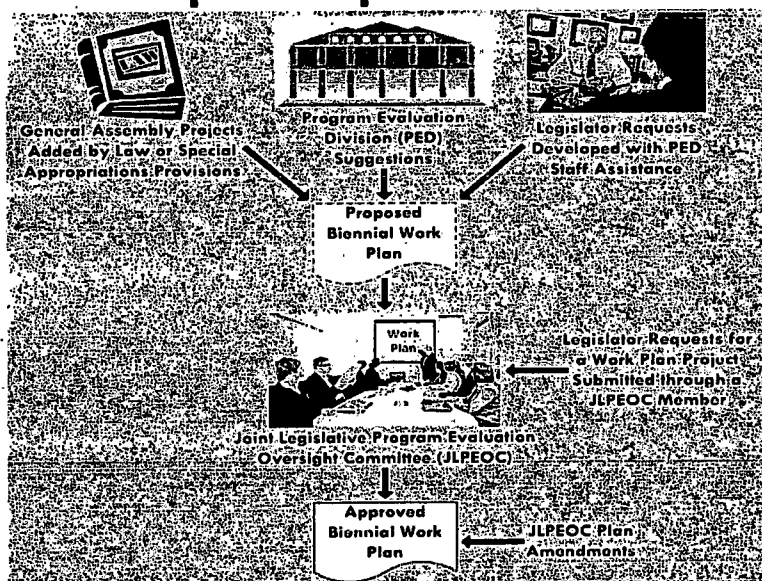


NORTH CAROLINA GENERAL
ASSEMBLY

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Report Topic Selection



PROGRAM EVALUATION DIVISION



NORTH CAROLINA GENERAL
ASSEMBLY

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Member Survey

- Online survey designed to gather information from members on evaluation topics of interest
 - Agencies
 - Programs
 - Specific Issues
- Expected release in February

PROGRAM EVALUATION DIVISION

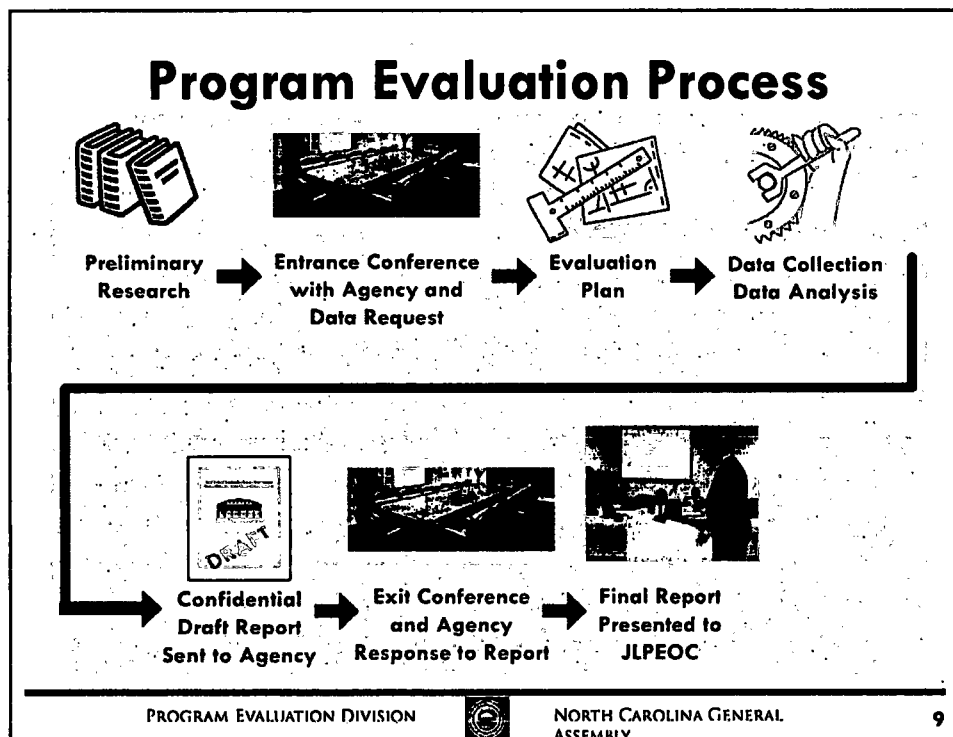


NORTH CAROLINA GENERAL
ASSEMBLY

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Senate Program Evaluation Committee
February 8, 2011



Summary of Reports Released to Date

Year	Report Directed By	Number of Reports Released
2008	Act of General Assembly	2
2008	JLPEOC Work Plan	7
2009	Act of General Assembly	1
2009	JLPEOC Work Plan	6
2010	Act of General Assembly	6
2010	JLPEOC Work Plan	4
Total Reports Released to Date		26





Current Division Evaluations

1. Inventory of Programs for Children, Youth, and Families
2. County Departments of Social Services Administration of Mandated Programs
3. Program and Financial Review of Global TransPark Authority
4. Efficiency and Effectiveness of Community College Administration



PED Issues Two Types of Reports

Evaluation Report

PROGRAM EVALUATION

- ✓ Criteria: What are the research questions?
- ✓ Rigorous methodology to provide answers
- ✓ Data intensive, heavy field work
- ✓ Provides recommendations



NC Accountability Report

PROGRAM RATING

- ✓ Criteria: Are accountability elements evident?
- ✓ Like a credit rating
- ✓ Determines degree of investment risk
- ✓ Relies upon program to provide evidence





Current NCAR Projects

1. Department of Administration:
Advocacy Programs
2. Department of Transportation:
Highway Construction
3. Non-Profit: Connect, Inc.



Unrealized Savings (See Handout for More Detail)

Report	Potential Savings			Total
	General Fund Recurring	General Fund Non-Recurring	Other	
Agricultural Research Stations	\$ 3,671,413	\$ 54,745,896	\$ -	\$ 58,417,309
Motor Vehicle Inspections			103,480,000	103,480,000
Underutilized State Aircraft	1,003,431	6,427,500		7,430,931
Subtotal	\$ 4,674,844	\$ 61,173,396	\$ 103,480,000	\$ 169,328,240
Restructuring Budget and Financial Management				
Option 1. Merge State Budget and Controller	\$ 788,000			\$ 788,000
Subtotal Including Option 1	\$ 5,462,844	\$ 61,173,396	\$ 103,480,000	\$ 170,116,240
Option 2. Controller Merged with Treasurer	\$ 387,000			\$ 387,000
Subtotal Including Option 2	\$ 5,061,844	\$ 61,173,396	\$ 103,480,000	\$ 169,715,240





Senate Program Evaluation Committee
February 8, 2011

Our Reports are Available Online at
www.ncleg.net/PED/Reports/



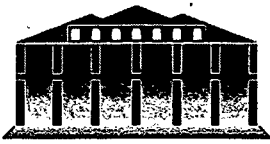
john.turcotte@ncleg.net

PROGRAM EVALUATION DIVISION



NORTH CAROLINA GENERAL
ASSEMBLY

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PROGRAM EVALUATION DIVISION

NORTH CAROLINA GENERAL ASSEMBLY

Unrealized Savings Identified in Completed Reports

Report		Potential Savings		
		General Fund		Other
		Recurring	Non-Recurring	
Consolidating Agricultural Research Facility Management Would Improve Efficiency and Effectiveness (2008)	<u>Summary:</u> A divided management structure hinders strategic planning among North Carolina's 18 agricultural research stations. The state should create a single system of research facilities managed by the universities, including the stations, 10 university field laboratories, and the NC A&T State University farm. Pending review by a panel of agricultural scientists, the number of research facilities could be reduced. <u>Unrealized Savings:</u> 1. Consolidate central management 2. Close seven research stations, pending review of scientific necessity 3. Sell or transfer parcels not used for research 4. Sell or transfer forest management tracts	\$ 500,000 3,171,413	\$39,856,546 1,299,175 13,590,175	
Doubtful Return on the Public's \$141 Million Investment in Poorly Managed Vehicle Inspection Programs (2008)	<u>Summary:</u> Citizens spend \$141 million annually on safety and emissions inspections required for vehicles registered in North Carolina. Little evidence supported the effectiveness of inspections and program oversight by the Division of Motor Vehicles (DMV) was inadequate. The state should consider modifications to safety and emissions inspection requirements and should require DMV to manage the programs to ensure results. <u>Unrealized Savings:</u> 1. Eliminate <u>safety</u> inspections for vehicles in all 100 counties and reduce fee for emissions inspections for vehicles in the 48 counties subject to the requirement from \$30 to \$16.40 2. Exempt vehicles from the three newest model years from <u>emissions</u> inspections in the 48 counties subject to the requirement (assumes \$16.40 fee)			\$86,780,000 16,700,000

Report		Potential Savings		
		General Fund		Other
		Recurring	Non-Recurring	
Selling 25 Underutilized Aircraft May Yield Up to \$8.1 Million and Save \$1.5 Million Annually (2010)	<u>Summary:</u> Eight North Carolina aviation programs operated 72 aircraft and cost \$10.8 million in Fiscal Year 2008-09. The report revealed concerns about aircraft utilization, efficiency, and management, and recommended establishment of a central management authority as well as the elimination of 25 aircraft and 5 hangars. Proceeds from the sale of aircraft were estimated at up to \$8.1 million and could save \$1.5 million annually. Session Law following this report resulted in projected savings of \$808,068 recurring and \$1,778,098 non-recurring. <u>Unrealized Savings:</u> 1. Eliminate one Department of Transportation airplane 2. Eliminate one State Bureau of Investigation airplane 3. Eliminate 10 Division of Forest Resources aircraft and three hangars			
		\$ 307,343	\$ 4,649,000	
		12,000	650,000	
		684,088	1,128,500	
Feasibility of Restructuring Budget and Financial Management of North Carolina State Government (2010)	<u>Summary:</u> The report reviewed the structure for budget and financial management of state government and considered the feasibility of consolidating the Office of State Budget and Management, the Controller, and the State Treasurer. These agencies performed 29 budget and financial management functions, but there was no duplication of effort among them. Although consolidation of budget and financial management of state government is feasible and could save money, it was not recommended because of constitutional constraints and the resulting loss of independence of the Controller. <u>Unrealized Savings:</u> OPTION 1. Separate budget and financial management agency created by merging State Budget with the Controller OR OPTION 2. Controller merged with Treasurer			
		\$ 788,000		
		\$ 387,000		
Total Unrealized Savings to Date (Option 1, Restructuring Report)		\$5,462,844	\$61,173,396	\$103,480,000
Total Unrealized Savings to Date (Option 2, Restructuring Report)		\$5,061,844	\$61,173,396	\$103,480

SENATE PROGRAM EVALUATION COMMITTEE
Tuesday, February 22, 2011 at 12:00 PM
Room 421, Legislative Office Building

MINUTES

The Program Evaluation Committee met at 12:00 PM on February 22, 2011, in Room 421 of the Legislative Office Building. Twelve members of the committee were present. Senator Debbie Clary presided.

Call to Order

Senator Debbie Clary called the meeting to order.

Reports and Appearances

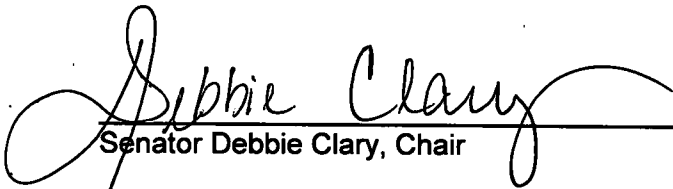
Senator Debbie Clary recognized Jerry Fralick, State Chief Information Officer and Information Technology Services to present information on the:

- Overall view of the role of the State Chief Information Officer (SCIO) and the Office of Information Technology Services (ITS).
- Total state spending on information technology (IT).
- Services provided by ITS.
- How ITS builds upon its public/private partnership through contracts with vendors.
- Steps that are saving the state money, and initiatives aimed at making IT more efficient and effective in delivering services to the citizens of North Carolina.

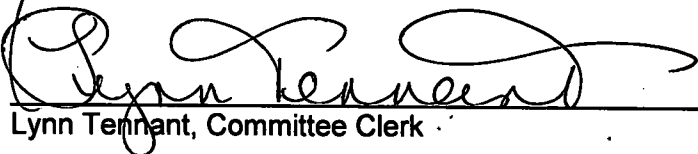
Senator Clary opened the meeting to questions, clarifications and comments.

Adjournment

With no further business before the committee, the committee adjourned at 12:50 p.m.



Senator Debbie Clary, Chair



Lynn Tennant, Committee Clerk

**Senate Program Evaluation Committee
Tuesday, February 22, 2011, 12:00 Noon
421 LOB**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Presentations

State Chief Information Officer and Information Technology Services
Jerry Fralick, State CIO
Overview

Other Business

Q & A

Adjournment

12

Adj: 12:50

[illegible]



State Chief
Information Officer
and Information
Technology
Services

January
2011

Briefing Book



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Introduction

Welcome to Raleigh. I look forward to meeting and working with each of you during the upcoming session of the N.C. General Assembly.

This briefing book will give you:

- A high-level view of the role of the State Chief Information Officer (SCIO) and the Office of Information Technology Services (ITS).
- Total state spending on information technology (IT).
- Services provided by ITS.
- How ITS continues to build upon its public/private partnership through contracts with vendors.
- Steps that are already saving the state money, and initiatives aimed at making IT even more efficient and effective in delivering services to the citizens of North Carolina.

I also invite you to review the State CIO's [web page](#) to learn about recent initiatives by my office.

Please do not hesitate to contact me if you have any questions about information technology in state government.

Gerald "Jerry" L. Fralick
State CIO
jerry.fralick@nc.gov
www.scio.nc.gov
(919) 754-6575



Governor's announcement to streamline state government & the Infrastructure Study and Assessment (INSA)

Consolidating and privatizing some functions of IT and purchasing are two components of the Governor's proposal to streamline state government.

As part of the initiative, the Office of the SCIO has been working with agency representatives to lead INSA, an assessment of IT infrastructure, services and costs in ITS and Cabinet agencies. The goal is to improve services, increase transparency, gain efficiencies and reduce costs by:

- reducing duplication
- improving utilization and efficiency of resources (people, data centers, equipment, etc.)
- implementing industry best practices

The assessment will provide objective data that will help policy makers determine the best path for accelerated consolidation of the IT infrastructure, such as personal computers, networks, servers, and print services. The consolidation might include additional internal consolidation, increased use of vendors, or some combination.

The contract for the assessment phase was awarded to Technology Partners International (TPI) in October 2010. Data gathering is scheduled for completion in January 2011, with business cases and final recommendations due in the March or April timeframe.

The Governor also proposed moving ITS into a new Department of Management and Administration, along with the Department of Administration, Office of State Personnel and the State Controller.

The State CIO is working with the Governor's staff, the Office of State Budget and Management and others to develop details of the agency consolidation, which will be included in the Governor's budget to the General Assembly.



State Portal project

The State CIO is playing a key role in an initiative by the Governor to upgrade the state's web portal.

North Carolina currently ranks 35th for state portals in one nationwide survey. The goal of the State Portal project is to make North Carolina's portal a true gateway for citizens to conduct business with state agencies, receive information about state government and increase transparency.

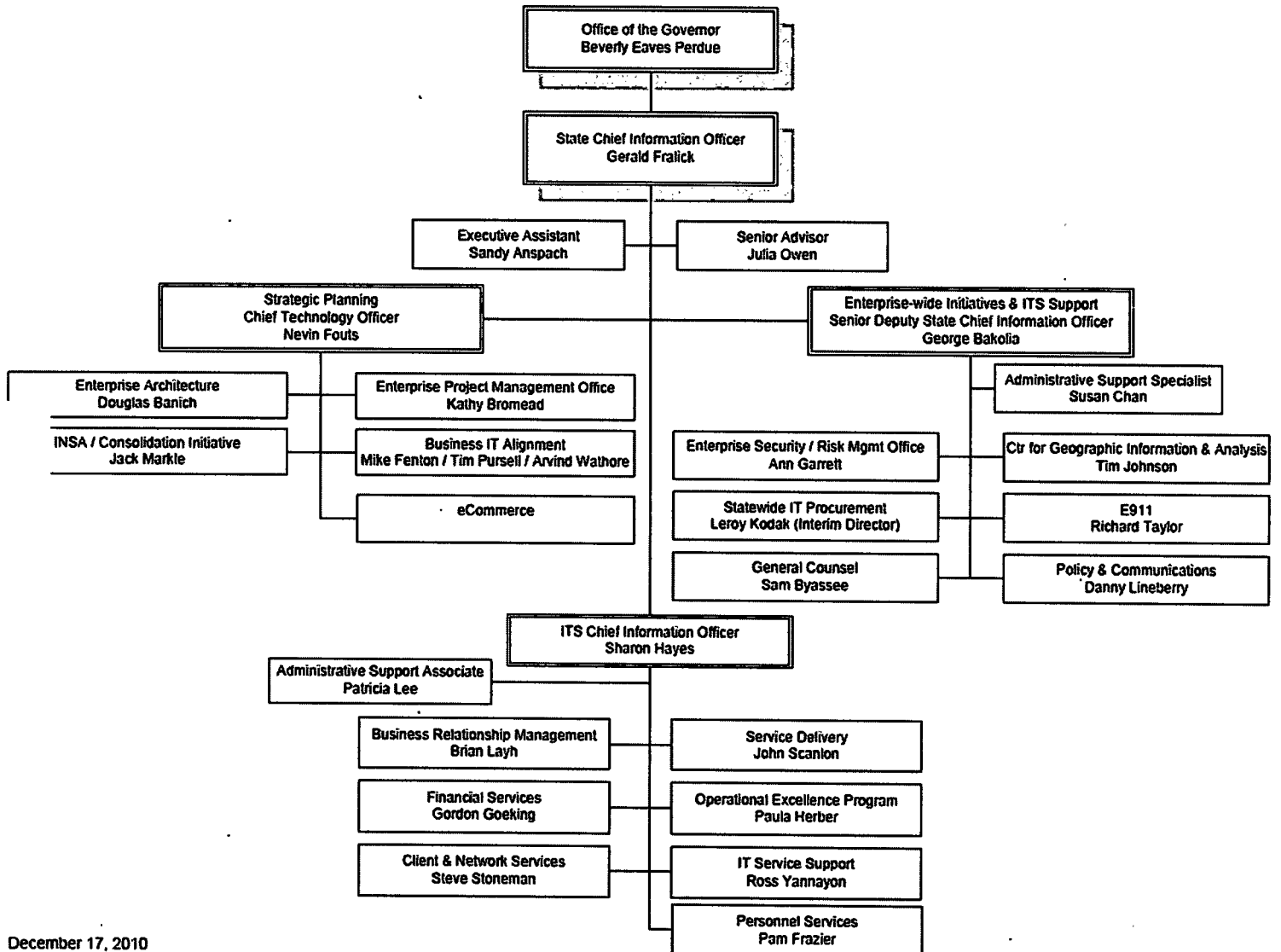
The State CIO is spearheading the effort with the business sponsor, the Department of Administration and has been fortunate to gain a broad representation on the steering and advisory committees from the council of state, executive, judicial, and legislative branches of state government.

A thorough assessment of state applications was concluded November 1, 2010 which determined what applications could most benefit from the web portal. The request for proposal has been issued to seek a vendor who would operate the portal in a public-private partnership with the state, using fees from services to support the portal. No additional taxpayer money would be required to upgrade and operate the portal and the goal is to be operational by July 1, 2011.



High-Level Organization Chart

Office of Information Technology Services



December 17, 2010



NC Technology Overview

- Information Technology (IT) spending in state government was \$1.3 billion in 2009-2010, according to an annual report by the Office of State Controller. \$1.1 billion of this figure includes state agencies, courts and the university system, but does not include ITS.
- More than 6,000 budget positions support information technology across the state.
- Only about 1.6% of the state budget is spent on IT in the Executive branch.
- Roughly 33% of the overall ITS budget was spent in the private sector, more than \$68 million in 2008-2009.
- ITS derives nearly 95% of its budget from fees for services.

Role of the SCIO

- History:
 - The State CIO was created by the General Assembly in 1999 and moved to the Office of the Governor in 2000. The SCIO is appointed by the Governor with no legislative confirmation.
 - Senate Bill 991 significantly expanded the role and responsibilities of the State CIO in 2004.
- By law, State CIO has dual roles:
 - Statewide responsibilities- providing a strategic direction by establishing policies and charting the course of technology for State government operations.
 - IT project oversight, guidance and approval (currently overseeing 135 IT projects valued at \$1.1 billion over 5 years of total cost of ownership)
 - Statewide IT procurement over \$25,000; awarded or authorized the award of more than \$211 million in IT goods and services in 2009-2010
 - Enterprise IT planning, including the adoption of measures to avoid the duplication of IT capabilities and resources across state agencies
 - Development of a comprehensive, long-range strategic plan for the proper management of the state's IT resources
 - Ongoing strategic planning which includes identification of strategic initiatives, assessment of associated funding requirements, and high-level designs and visualizations supporting overall IT strategies



- Review and make recommendations on expansion budget requests for IT
- Establish IT security standards
- Serve as an ex-officio member of the State Health Information Exchange Board recommending technical solutions, services to develop a working Health IT Network.
- By statute, the Office of the State CIO is represented on the following boards and commissions, among others:
 - 911 Board
 - BEACON Project Steering Committee
 - e-NC Authority
 - eLearning Commission
 - North Carolina Commission on School Technology
 - NC Geographic Information Coordinating Council
- Operational responsibilities- as the head of ITS, which supplies some of the information technology used by state agencies, local governments, and educational institutions across North Carolina.
 - Cities, counties and other local government units may use ITS services on the same cost basis as state agencies.

Funding the Office of the SCIO & ITS

- The total budget for ITS in 2009-2010 was \$271M
 - \$262.0 million: Internal Service Fund, receipt-based
 - \$9.0 million: Information Technology (IT) Fund, Legislative Appropriation
- The internal service fund is receipt-based, meaning ITS is given very little direct funding from the Legislature. In order to pay the bills, ITS provides services to agencies at reasonable rates. Agencies then pay for the services that they use and those fees are in turn used to pay ITS staff and vendors.
- The IT Fund is used to support enterprise (state-wide) functions such as the Office of the SCIO, the Center for Geographic Information and Analysis (CGIA), Enterprise Project Management Oversight (EPMO), Enterprise Security and Risk Management (ESRMO), Enterprise Identity Management (NCID), Enterprise Architecture (EA), Enterprise Licensing, IT Consolidation (ITC), the State Web Page, Asset Management Services and other enterprise initiatives.



Role of ITS

- ITS is a major technology service provider for state agencies, universities, community colleges and local governments. ITS provides:
 - Application services such as common payments, electronic document management and identity management.
 - Professional services such as application development/support and project management.
 - Hosting, network and desktop services such as WAN/LAN, database hosting and remote access.
 - Collaboration and communication services such as web/video conferencing, streaming media and telephony (voice communications).
 - Security services such as firewall, virtual private network and intrusion prevention.

ITS by the Numbers

- To ensure the state is able to provide uninterrupted services to their citizens, the information below shows the volume that ITS provides support for :
 - More than 2000 physical /virtual servers at more than 150 locations
 - More than 6400 desktops/laptops at nearly 350 locations
 - Network resources across more than 1900 locations
 - Nearly 750 firewalls, over 2700 routers, almost 1800 switches and more than 250 wireless access points are currently being supported
 - More than 114,000 telephone ports located across the state
 - More than 52,000 video conferencing hours in 2009-2010 at more than 340 sites
 - ITS operates two data centers, one in eastern North Carolina (Raleigh) and one in western North Carolina (Forest City). This redundancy allows ITS to ensure service delivery and disaster recovery across the state. Additionally, the site in Forest City was approved by the Department of Homeland security and designed to withstand a Cat 4 hurricane or F4 tornado. Both Facilities run a 24/7 operation and have the ability to completely run on diesel generated power if and when necessary.



ITS Business Model

- ITS currently has a total of 630 authorized positions, most of which are operational positions.
- According to federal regulations, ITS may not make a profit. It can neither over-recover or under-recover the cost of services without potential penalties. ITS is able to maintain a 60 day cash reserve in order to pay bills and staff salaries.
- Major components in rates are hardware, software, personnel, facilities, and all other related IT costs including agency overhead

Significant Cost Savings Already Realized

- Realized a savings of \$7.4 million through bulk purchasing of personal computers and another \$143,000 for printers in 2010.
- Since January 2010, ITS has implemented over \$6 million in reoccurring rate reductions for the state.
- Consolidated four mainframe software product suites into one, saving the state \$1.2 million in the first year (2010).
- Established an Enterprise License Agreement (ELA) with Environmental Systems Research Institute (ESRI) to provide geographic information system (GIS) software to Executive Branch agencies over a five-year period. The agreement results in a savings of at least \$3.5 million (\$650,000 annually) to all the Executive agencies currently participating.
- Completed IT Consolidation for 13 Agencies and Commissions resulting in massive modernization of the infrastructure while keeping spending levels flat for the combined agencies at 2006-2007 levels.
- Implemented "Managed Print Services" for ITS, an outsourcing pilot initiative that will save over 51% in expenses per month (\$125,000 average annual) over prior years' spend for office printing services. This also enables us to avoid capital outlay for equipment as we are only paying for usage.
- Implemented email archiving for all customer agencies using ITS' statewide email system, resulting in the archiving of more than 250 million email messages and the elimination of duplicate email copies, thereby further reducing the amount of storage space needed.



Our Goal

I intend to utilize IT to improve government efficiency, services and accountability. We're working to streamline the way the state procures IT solutions, and to drive efficiencies in IT across state government by consolidating the IT infrastructure, promoting shared services, encouraging best practices and centers of excellence, and delivering customer-focused, efficient and effective services.

Jerry Fralick
State CIO

Additional Information

October 2009 to 2010 Accomplishments Document
https://www.scio.nc.gov/library/pdf/Accomplishments_SCIO_10-00-10.pdf

ITS Service Catalog
<http://www.its.state.nc.us/ServiceCatalog/Index.asp>

VISITOR REGISTRATION SHEET

Program Evaluation Committee

2-22-2011

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	MF+S
Jessie Owen	ITS
Danny Lindsey	ITS
Christy Agner	ITS
Ed Turlington	Brooks Pierce
Randy Parrott	Oracle
Kevin Hidalgo	Oracle
Bill Rowe	NC Justice Center
Bruce Thompson	Parkview PGB

VISITOR REGISTRATION SHEET

Program Evaluation Committee

2-22-2011

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linda Gunter	NCAE
Suzanne Blasby	SEANC
Adrian Jimenez	SEANC
FRANK SEIDER	DEPT OF LABOR
Dennis Rg nbs	TCI
Walter Wells	AT&T
Trevor M. Minor	USBM
Sarah Ponce	USBN
Joe Lanier	NELSON MULLEN
Lion Piercy	Ragdale Riggett
	TSS

PAGES ATTENDING

COMMITTEE: Program Evaluation ROOM: 42/18
 DATE: 2-22 TIME: 12 Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
① Nick Hall	Raleigh	P. Berger
2		
3		
5		
6		
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8		
9		
10		

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

**Senate Program Evaluation Committee
Tuesday April 26, 2011 at 12:00 P.M
Room 421, Legislative Office Building**

Minutes

The Program Evaluation Committee met at 12:00 p.m. on April 26, 2011, in room 421 of the Legislative Office Building. Twelve Members were present. Senator Debbie Clary presided.

Call to Order

Senator Debbie Clary called the meeting to order and recognized Senate Pages Joseph Clay, Heather Green, Marcus McPhail, and Drew Connery.

Reports and Appearances

Senator Debbie Clary recognized Senator Andrew Brock to present information on Senate Bill 404 *Dept. of Admin/Procurement Modernization*. An Agency Bill from the Department of Administration which modernizes contracting and purchasing issues, making the purchasing across the state more friendly.

Ann Bander from the Department of Administration was there in support of the bill.

Senator Clary opened the meeting to questions, clarifications and comments. Legislator's questions were heard and answered by staff, Ann Bander from the Department of Administration and Sam Biasee from the State Purchasing Office.

Senator Hunt moved for a favorable report. Chair Clary accepted, all members were in agreement and the bill passed with a favorable report.

Senator Eric Mansfield was recognized to come forward to present Senate Bill 463 *Accountability for Taxpayer Investment Act*. Senator Fletcher Hartsell moves to hear the proposed committee substitute, which passes.

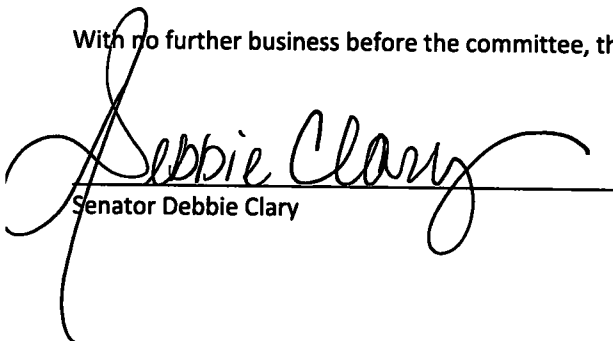
- The bill requires certain state and certain non-state agencies to establish, implement and maintain a system of uniformity.
- The PCS takes the auditor's voting privilege away, leaving eight members on the board but allowing only seven to vote.
- Hal Pell, staff, was recognized to clarify and explain the bill.

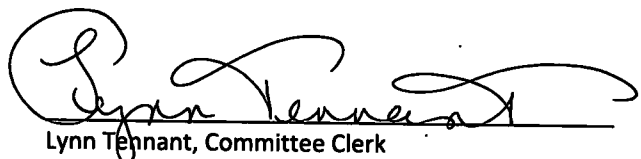
Senator Clary opened the meeting to questions, clarifications and comments. Legislator's questions were heard and answered by staff. Program Evaluation Director, John Turcotte, listed all 19 entities and as per the member's request, a list will be provided at a later date.

Senator Pate moved for a favorable report, chair accepted, all were in agreement and the bill passed Unfavorable as to Bill, But Favorable as to Committee Substitute.

Adjournment

With no further business before the committee, the committee adjourned at 12:50 p.m.


Senator Debbie Clary


Lynn Tennant, Committee Clerk

**Senate Program Evaluation Committee
Wednesday, April 26, 2011, 12:00 Noon
421 LOB**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 404	Dept. of Admin/Procurement Modernization.-AB	Senator Brock
SB 463	Accountability for Taxpayer Investment Act.	Senator Mansfield

Adjournment

24-26-11

[illegible]

Robert Young
John Turcotte

Andrew Brock spoke on Bill SB 404
Ann Bender - Dept of Admin

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**PROGRAM EVALUATION COMMITTEE REPORT
Senator Debbie A. Clary, Chair**

CORRECTED REPORT

Tuesday, April 26, 2011

Senator CLARY,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	404	Dept. of Admin/Procurement Modernization.-AB
		Sequential Referral: None
		Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B.	463	Accountability for Taxpayer Investment Act.
		Draft Number: PCS55288
		Sequential Referral: None
		Recommended Referral: None
		Long Title Amended: Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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1

SENATE BILL 404*

Short Title: Dept. of Admin/Procurement Modernization.-AB (Public)

Sponsors: Senator Brock.

Referred to: Program Evaluation.

March 24, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MODERNIZE PROCUREMENT METHODS USED BY THE SECRETARY
3 OF ADMINISTRATION AND STATE DEPARTMENTS, INSTITUTIONS, AND
4 AGENCIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 143-49 reads as rewritten:

7 "§ 143-49. Powers and duties of Secretary.

8 The Secretary of Administration shall have power and authority, and it shall be his duty,
9 subject to the provisions of this Article:

10 (1) To canvass sources of supply, including sources of ~~supply of materials and~~
11 ~~supplies~~ goods with recycled content, and to purchase or to contract for the
12 purchase, lease and lease-purchase of all ~~supplies, materials, equipment and~~
13 ~~other tangible personal property goods~~ required by the State government, or
14 any of its departments, institutions or agencies under competitive bidding or
15 ~~otherwise as hereinafter provided~~ other suitable means authorized by the
16 Secretary including, without limitation, negotiations, reverse auctions, a best
17 value procurement method such as that defined in G.S. 143-135.9(a)(1), and
18 the solicitation, offer, and acceptance of electronic bids. For purposes of this
19 Article, the term "goods" includes, without limitation, all commodities,
20 supplies, materials, equipment, and other tangible personal property.

21 (2) To establish and enforce specifications which shall apply to all ~~supplies,~~
22 ~~materials and equipment goods and services~~ to be purchased or leased for the
23 use of the State government or any of its departments, institutions or
24 agencies.

25 (3) To purchase or to contract for, by sealed, competitive bidding or other
26 suitable means, ~~all contractual services and needs~~ means authorized by the
27 Secretary including, without limitation, negotiations, reverse auctions, a best
28 value procurement method such as that defined in G.S. 143-135.9(a)(1), and
29 the solicitation, offer, and acceptance of electronic bids, all services of the
30 State government, or any of its departments, institutions, or agencies; or to
31 authorize any department, institution or agency to purchase or contract for
32 such services.

33 (3a) ~~When To request, and the Attorney General shall assign a representative of~~
34 ~~the office of the Attorney General to assist in negotiation for the award of~~
35 any contract for contractual services exceeding a cost of one hundred
36 thousand dollars (\$100,000) ~~that requires negotiation with prospective~~
37 ~~contractors, the Secretary shall request and the Attorney General shall assign~~



a representative of the office of the Attorney General to assist in negotiation for the award of the contract. It shall be the duty of such representative to assist and advise in obtaining the most favorable contract for the State, to evaluate all proposals available from prospective contractors for that purpose, to interpret proposed contract terms and to advise the Secretary or his representatives of the liabilities of the State and validity of the contract to be awarded. All contracts and drafts of such contracts shall be prepared by the office of the Attorney General and copies thereof shall be retained by such office for a period of three years following the termination of such contracts. The term "contractual services" as used in this subsection and G.S. 143-52.2 shall mean work performed by an independent contractor requiring specialized knowledge, experience, expertise or similar capabilities wherein the service rendered does not consist primarily of acquisition by this State of equipment or materials and the rental of equipment, materials and supplies. The term "negotiation" as used herein in this subdivision shall not be deemed to refer to contracts entered into or to be entered into as a result of a competitive bidding process.

...

- (6) To make available to nonprofit corporations operating charitable hospitals, to local nonprofit community sheltered workshops or centers that meet standards established by the Division of Vocational Rehabilitation of the Department of Health and Human Services, to private nonprofit agencies licensed or approved by the Department of Health and Human Services as child placing agencies, residential child-care facilities, private nonprofit rural, community, and migrant health centers designated by the Office of Rural Health and Resource Development, to private higher education institutions that are defined as "institutions" in G.S. 116-22(1), and to counties, cities, towns, local school administrative units, governmental entities and other subdivisions of the State and public agencies thereof in the expenditure of public funds, the services of the Department of Administration in the purchase of materials, supplies and equipment goods and services under such rules, regulations and procedures as the Secretary of Administration may adopt. In adopting rules and regulations any or all provisions of this Article may be made applicable to such purchases and contracts made through the Department of Administration, and in addition the rules and regulations shall contain a requirement that payment for all such purchases be made in accordance with the terms of the contract.

...

- (17) To establish procedures to permit State government, or any of its departments, institutions, or agencies, to join with any federal, State, or local government agency, entity, or subdivision, or any nonprofit organization in cooperative purchasing plans, projects, arrangements, or agreements if the interest of the State would be served thereby."

SECTION 2. G.S. 143-51 reads as rewritten:

"§ 143-51. Reports to Secretary required of all agencies as to needs, needs and purchases.

(a) It shall be the duty of all departments, institutions, or agencies of the State government to furnish to the Secretary of Administration when requested, and on forms to be prescribed by him, estimates of all supplies, materials, contractual services and equipment goods and services needed and required by such department, institution or agency for such periods in advance as may be designated by the Secretary of Administration.

(b) In addition to the report required by subsection (a) of this section, all departments, institutions, or agencies of the State government shall furnish to the Secretary of Administration when requested, and on forms to be prescribed by him, actual expenditures for all goods and services needed and required by the department, institution, or agency for such periods after the expenditures have been made as may be designated by the Secretary of Administration."

SECTION 3. G.S. 143-52 reads as rewritten:

"§ 143-52. **Competitive bidding procedure; consolidation of estimates by Secretary; bids; awarding of contracts; cost plus percentage of cost contracts strictly prohibited.**

(a) ~~As feasible, the~~ The Secretary of Administration ~~will~~ shall compile and consolidate all such estimates of ~~supplies, materials, printing, equipment and contract~~ actual goods and services needed and required by State departments, institutions and agencies to determine the total requirements of any given commodity. Where such total requirements will involve an expenditure in excess of the expenditure benchmark established under the provisions of G.S. 143-53.1 and where the competitive bidding procedure is employed as hereinafter provided, sealed bids shall be solicited by advertisement in a newspaper widely distributed in this State or through electronic means, or both, as determined by the Secretary to be most advantageous, at least once and at least 10 days prior to the date designated for opening. Except as otherwise provided under this Article, contracts for the purchase of ~~supplies, materials or equipment goods and services~~ shall be based on competitive bids and ~~acceptance made of the lowest and best~~ suitable means authorized by the Secretary as provided in G.S. 143-49. The acceptance of bid(s) most advantageous to the State ~~as shall be determined~~ upon consideration of the following criteria: prices offered; best value, as the term is defined in G.S. 143-135.9(a)(1); the quality of the articles offered; the general reputation and performance capabilities of the bidders; the substantial conformity with the specifications and other conditions set forth in the request for bids; the suitability of the articles for the intended use; the personal or related services needed; the transportation charges; the date or dates of delivery and performance; and such other factor(s) deemed pertinent or peculiar to the purchase in question, which if controlling shall be made a matter of record. Competitive bids on such contracts shall be received in accordance with rules and regulations to be adopted by the Secretary of Administration, which rules and regulations shall prescribe for the manner, time and place for proper advertisement for such bids, the time and place when bids will be received, the articles for which such bids are to be submitted and the specifications prescribed for such articles, the number of the articles desired or the duration of the proposed contract, and the amount, if any, of bonds or certified checks to accompany the bids. Bids shall be publicly opened. Any and all bids received may be rejected. Each and every bid conforming to the terms of the invitation, together with the name of the bidder, shall be tabulated and that tabulation shall become public record in accordance with the rules adopted by the Secretary. All contract information shall be made a matter of public record after the award of contract. Provided, that trade secrets, test data and similar proprietary information may remain confidential. A bond for the faithful performance of any contract may be required of the successful bidder at bidder's expense and in the discretion of the Secretary of Administration. When the dollar value of a contract for the purchase, lease, or lease/purchase of ~~equipment, materials, and supplies~~ goods exceeds the benchmark established by G.S. 143-53.1, the contract shall be reviewed by the Board of Awards pursuant to G.S. 143-52.1 prior to the contract being awarded. After contracts have been awarded, the Secretary of Administration shall certify to the departments, institutions and agencies of the State government the sources of supply and the contract price of the ~~supplies, materials and equipment~~ goods so contracted for.

...."

SECTION 4. G.S. 143-53 reads as rewritten:

1 "§ 143-53. Rules.

2 (a) The Secretary of Administration may adopt rules governing the following:

3 ...
4 (3) ~~Defining contractual services for the purposes of G.S. 143-49(3) and~~
5 ~~G.S. 143-49(5).~~

6 ...
7 (5) Prescribing conditions under which purchases and contracts for the purchase,
8 installment or lease-purchase, rental or lease of ~~equipment, materials,~~
9 ~~supplies or goods and~~ services may be entered into by means other than
10 competitive bidding, including, but not limited to, negotiation, reverse
11 auctions, and acceptance of electronic bids. ~~Reverse auctions may only be~~
12 ~~utilized for the purchase or exchange of supplies, equipment, and materials~~
13 ~~as provided in G.S. 115C-522.~~ Notwithstanding the provisions of
14 subsections (a) and (b) of this section, any waiver of competition for the
15 purchase, rental, or lease of ~~equipment, materials, supplies, or goods and~~
16 services is subject to prior review by the Secretary, if the expenditure
17 exceeds ten thousand dollars (\$10,000). The Division may levy a fee, not to
18 exceed one dollar (\$1.00), for review of each waiver application.

19 ...
20 (7) Prescribing conditions and procedures governing the purchase of used
21 ~~equipment, materials and supplies goods.~~

22"

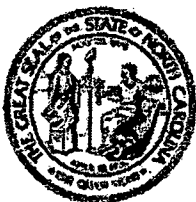
23 SECTION 5. G.S. 143-55 reads as rewritten:

24 "§ 143-55. ~~Requisitioning for supplies by agencies; must purchase through sources~~
25 ~~certified.~~

26 (a) Unless otherwise provided by law, ~~after where~~ sources of supply have been
27 established by contract and certified by the Secretary of Administration to the said departments,
28 institutions and agencies as herein provided for, it shall be the duty of all departments,
29 institutions and agencies to make requisition or issue orders on forms to be prescribed by the
30 Secretary of Administration, for ~~all supplies, materials and equipment purchases~~ required by
31 them upon the sources of supply so certified, and, except as herein otherwise provided for, it
32 shall be unlawful for them, or any of them, to purchase ~~any supplies, materials or equipment~~
33 from other sources than those certified by the Secretary of Administration. One copy of such
34 requisition or order shall be furnished to and when requested by the Secretary of
35 Administration.

36"

37 SECTION 6. This act becomes effective July 1, 2011.



SENATE BILL 404: Dept. of Admin/Procurement Modernization.-AB

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Sen. Brock
Analysis of: First Edition

Date: April 22, 2011
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act amends statutes relating to the procurement duties of the Secretary of the Department of Administration, as well as agency requirements relating to the procurement process. This act becomes effective July 1, 2011.*

[As introduced, this bill was identical to H391, as introduced by Reps. Avila, Torbett, which is currently in House Commerce and Job Development Subcommittee on Science and Technology.]

BILL ANALYSIS:

This act:

- Requires the Secretary of the Department of Administration to canvass sources of supply, including sources of goods with recycled content, and to purchase or contract to purchase, lease and lease-purchase all goods required by the state government under competitive bidding or other suitable means.
- Defines goods to include all commodities, supplies, materials, equipment, and other tangible personal property.
- Adds a new provision stating that it is the Secretary's duty to establish procedures to permit state government to join any federal, state, local government entity, or any nonprofit organization in cooperative purchasing plans or agreements.
- Amends the law on acquisition reporting requirements for State entities by adding a new requirement that the agencies submit to the Secretary, when requested, actual expenditures for all goods and services.
- Defines "contractual services" for the purpose of the statute requiring departments to request assistance from the Office of the Attorney General in negotiating contracts in excess of \$100,000. A contract that consists primarily of the acquisition by the State of equipment or materials, or the rental of equipment, materials and supplies, would not require a request for negotiation assistance.
- Deletes the Secretary's authority to adopt rules defining contractual services for certain purposes.
- Makes other technical, clarifying and conforming changes.

EFFECTIVE DATE: This act becomes effective July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 463
PROPOSED COMMITTEE SUBSTITUTE S463-CSRK-43 [v.5]

4/25/2011 2:28:04 PM

Short Title: Accountability for Taxpayer Investment Act. (Public)

Sponsors:

Referred to:

March 31, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE STATE AGENCIES AND CERTAIN NON-STATE ENTITIES TO
3 DEVELOP, IMPLEMENT, AND MAINTAIN INFORMATION SYSTEMS THAT
4 PROVIDE UNIFORM, PROGRAM-LEVEL ACCOUNTABILITY INFORMATION
5 REGARDING THE PROGRAMS OPERATED BY THOSE AGENCIES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 143 of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 2E.

10 "Accountability for Taxpayer Investment Act.

11 "§ 143-47.30. Definitions.

- 12 (1) Board. – The Taxpayer Investment Accountability Board established by this
13 Article.
14 (2) Non-State entity. – Any of the following that is not a State agency and that
15 must be discretely presented as a component unit in the State
16 Comprehensive Annual Financial Report by the Governmental Accounting
17 Standards Board: an individual, a firm, a partnership, an association, a
18 corporation, or any other organization or group acting as a unit. The term
19 does not include a local government unit or any other non-State entity that is
20 subject to the audit and other requirements of the Local Government
21 Commission.
22 (3) Principal executive officer. – Executive head of a State agency or non-State
23 entity.
24 (4) State agency. – Any department, institution, board, commission, committee,
25 division, bureau, board, council, or other entity for which the State has
26 oversight responsibility, including The University of North Carolina, the
27 Community College System, and any mental or specialty hospital.
28 (5) Taxpayer. – Any person subject to taxation by the State or by a unit of local
29 government.

30 "§ 143-47.31. Purpose; scope.

31 (a) The purpose of this Article is to require uniform, program-level, accountability
32 information in State government.

33 (b) This Article applies to any State agency in the executive branch of State
34 government. This Article also applies to any non-State entity that receives State funds.



* S 4 6 3 - C S R K - 4 3 - V - 5 *

"§ 143-47.32. Taxpayer Investment Accountability Board.

(a) There is established the Taxpayer Investment Accountability Board (Board). The members of the Board shall be:

- (1) The State Controller, or the Controller's designee shall serve ex officio.
- (2) The Director of the Office of State Budget and Management, or the Director's designee shall serve ex officio.
- (3) The State Auditor or the Auditor's designee shall serve ex officio as a non-voting member.
- (4) The State Chief Information Officer or the Officer's designee shall serve ex officio.
- (5) The President of The University of North Carolina, or the President's designee shall serve ex officio.
- (6) The President of the North Carolina Community College System, or the President's designee shall serve ex officio.
- (7) The Director of the Program Evaluation Division of the General Assembly.
- (8) The Director of the Fiscal Research Division of the General Assembly.

(b) The State Controller shall be the Chair of the Board.

(c) The Office of the State Controller shall provide staff and adequate meeting space to the Board and shall provide any other type of support required by the Board.

(d) The Board shall meet at least four times a year and may meet as often as necessary. A majority of the members of the Board constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at a meeting of the Board is required for action to be taken by the Board.

(e) The Board shall design and establish a framework to provide to the citizens of North Carolina uniform, program-level, accountability information in State government. The Board shall establish comprehensive standards, policies, and procedures, including recurring oversight procedures, as part of the framework to provide uniform, program-level, accountability information in State government. The framework shall be designed to insure that the information is accessible through the main State government Web site.

(f) The Board members shall receive no salary or other monetary compensation for serving on the Board.

(g) The Board shall publish an annual report by January 1 of each year setting out the standards, policies, and procedures to be used by agencies in establishing, implementing, and maintaining the information systems required by this Article. The Board shall provide a copy of the report to each State agency and each non-State entity subject to this Article and to the Program Evaluation and Fiscal Research Divisions of the General Assembly.

"§ 143-47.33. Required State agency and non-State entity information.

(a) Each State agency shall establish, implement, and maintain within that State agency a system that provides uniform, program-level, accountability information that accurately conveys the mission, responsibilities, and activities of the State agency and any other information deemed necessary or appropriate by the Board. Each non-State entity, as a condition of receiving State funds, shall establish, implement, and maintain within that non-State entity a system that provides uniform, program-level, accountability information that accurately conveys the mission, responsibilities, and activities of the non-State entity and any other information deemed necessary or appropriate by the Board. The system shall comply with the framework design and the standards, policies, and procedures established by the Taxpayer Accountability Board. The information shall be updated on a timely basis. Each information system shall further be readily and easily accessible to the citizens of North Carolina.

The principal executive officer of each State agency and the principal executive officer of each non-State entity is responsible for ensuring that the State agency or non-State entity, as appropriate, complies with the requirements of this Article.

(b) Each State agency and each non-State entity shall include the following information in its information system:

- (1) For each program, a clear statement of what condition exists in North Carolina that the program is designed to address.
- (2) For each program, a logic model that describes the sources of program resources, total resources invested, activities and processes, outputs, and outcomes.
- (3) Evidence confirmed independently that changes in the conditions addressed are attributable to the programs, services, and activities.
- (4) Performance measures for each program sufficient for a citizen to determine all of the following:
 - a. Outcome. – The verifiable quantitative effects or results attributable to the program compared to a performance standard.
 - b. Output. – The verifiable number of units of services or activities provided by the program.
 - c. Efficiency. – The verifiable total direct and indirect cost per output and per outcome.
 - d. Performance standards. – The metrics based upon best practices, generally recognized standards, or comparisons with relevant peer entities in other states or regions for gaging achievement of efficiency, output, and outcomes.
 - e. Benchmarks. – A broad, societal indicator used for gaging ultimate outcomes of programs such as U.S. Census data. Multiple programs among several agencies may be benchmarked to the same indicator.
- (5) Organization charts and manager-to-employee ratios in a format specified by the Office of State Personnel. In addition to a comprehensive chart, each State agency and non-State entity shall have separate charts for each organizational division and in turn for each subordinate division or work unit in specific detail so that a citizen may determine the organizational location of every employee position.
- (6) Revenues by source and expenditures by purchasing category aligned with each program individually.
- (7) Effective July 1, 2013, a Web-based dashboard that reports all required performance information in a graphical gaging format. The format shall also be uniform and shall be sufficient to inform a citizen how the State is investing money consistent with understandable purposes.
- (8) A listing of all employees. Each employee record shall contain the following fields: last name; first name; job title; State agency or non-State entity, as appropriate; organizational division; program; telephone number; email address; office mailing address including 9-digit postal zip code; and building name and room number if not in the mailing address. The directory shall have a search feature to enable searching or listing by field. Each State agency and non-State entity subject to this Article shall also list its employees in the directory available through the main State government Web site.

"§ 143-47.34. Verification of compliance by State Auditor.

(a) Each agency or non-State entity which must comply with this Article shall file a certificate of compliance with the Article requirements, which shall be signed by the principal executive officer of each State agency and the principal executive officer of each non-State entity. The initial certificate shall be filed on or before June 30, 2013, and subsequent certificates filed annually by June 30.

(b) Internal auditors in State agencies required to have auditors pursuant to Article 79 of Chapter 143 of the General Statutes shall conduct annual audits for compliance with the requirements of this Article. The internal auditor shall submit an audit report annually to the State Auditor and the State Controller no later than April 1. The initial compliance audit shall be filed on or before April 1, 2013, and subsequent reports filed annually by April 1.

(c) The State Auditor may verify compliance with this Article by each State agency and each non-State entity on an annual basis. Upon the determination of the State Auditor that a State agency or non-State entity has failed to substantially comply with the provisions of this Article, the State Auditor shall report the noncompliance to the Board, the Governor, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division of the General Assembly.

"§ 143-47.35. Remedy for noncompliance.

(a) Any taxpayer may institute a suit in the superior court requesting the entry of a judgment that a State agency or a non-State entity, as appropriate, has failed to comply with this Article. Specific performance compelling the State agency or non-State entity to comply with this Article shall be the available remedy. The taxpayer need not allege or prove special damage different from that suffered by the public at large.

(b) Upon the presentation by the taxpayer plaintiff of a prima facie case that a State agency or non-State entity has failed to comply with this Article, the burden shall be on the State agency or non-State entity, as appropriate, to show that it is in compliance with this Article.

(c) No State agency or non-State entity shall be held in non-compliance with this Article if it establishes that it has made a good faith effort to comply with the provisions of this Article.

(d) In any action brought pursuant to this section in which a party successfully compels compliance, the court shall allow the plaintiff to recover plaintiff's reasonable attorneys' fees. Any attorneys' fees assessed against a State agency or non-State entity under this section shall be charged against the operating expenses of the State agency or non-State entity, as appropriate.

(e) If the court determines that an action brought pursuant to this section was filed in bad faith or was frivolous, the court shall assess reasonable attorneys' fees against the person instituting the action and award it to the State agency or non-State entity, as appropriate, as part of the costs.

"§ 143-47.36. Availability of technical assistance.

(a) The Office of State Personnel shall adopt rules setting the standards and format for the organization charts and manager-to-employee ratios required by G.S. 143-47.33. The Office of State personnel shall also provide templates and technical assistance to State agencies and non-State entities as needed to assure the uniformity required by this Article.

(b) The Office of State Budget and Management and the Office of Information Technology shall also provide technical assistance and software to State agencies and non-State entities as needed to assure the uniformity required by this Article."

SECTION 2. G.S. 150B-1(c) is amended by adding a new subdivision to read:

"(9) The Taxpayer Investment Accountability Board established in G.S. 143-47.32."

SECTION 3. If a State agency or a non-State entity subject to this act is not in compliance with Article 2E of Chapter 143 of the General Statutes as enacted by Section 1 of this act, then the State agency or non-State entity shall revise its information system to comply with the act. Each State agency, whether implementing a new information system or revising an existing system to bring it into compliance with the provisions of this act, shall use the State agency's existing resources allocated for computers and computer maintenance to comply with the act.

1 **SECTION 4.** This section and G.S. 143-47.32, as enacted by Section 1 of this act,
2 become effective July 1, 2011. The remainder of this act becomes effective July 1, 2012,
3 except as otherwise provided.



SENATE BILL 463: Accountability for Taxpayer Investment Act

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Sen. Mansfield
Analysis of: PCS to First Edition
S463-CSRK-43

Date: April 22, 2011
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act provides that State agencies, and certain non-State entities, must establish, implement, and maintain a system that provides uniform, program-level, accountability information that accurately conveys the mission, responsibilities, and activities of the agency. The act also establishes the Taxpayer Investment Accountability Board as an oversight agency, and provides remedies for non-compliance with the Article. The provision establishing the Board is effective July 1, 2011; the remainder of the Article is effective July 1, 2012, unless otherwise provided in the act.*

BILL ANALYSIS:

Section 1:

- Creates a new Article in Chapter 143 of the General Statutes: "Accountability for Taxpayer Investment Act." Terms are defined, to include a "non-State entity" as entities that are not State agencies and that must be discretely presented as a component unit in the State Comprehensive Annual Financial Report by the Governmental Accounting Standards Board. The term excludes local government units or any non-State entity that is subject to audit and other requirements of the Local Government Commission.
- Purpose statement: To require uniform, program-level, accountability information in State government.
- Creates a Taxpayer Investment Accountability Board. Members include the State Controller or designee (Chair), the Director of the Office of State Budget and Management or designee, the State Auditor or designee (non-voting member), the State Chief Information Officer or designee, the President of the University of North Carolina or designee, the President of the North Carolina Community College System or designee, the Director of the Program Evaluation Division of the General Assembly, and the Director of the Fiscal Research Division of the General Assembly.
- Board Responsibilities include the establishment of comprehensive standards, policies, and procedures, including recurring oversight procedures as part of a framework to provide accountability information. The information will be accessible through the main State government web-site.
- Requires State and non-State entities (as a condition of receiving State funding) to establish, implement, and maintain a system that provides uniform, program-level, accountability information that accurately conveys the mission, responsibilities, and activities of the agency.
- Directs that agency information systems include:
 - For each program, a clear statement as to what condition the program is designed to address.

Senate PCS 463

Page 2

- For each program, a logic model that describes program resources, resources invested, activities and processes, outputs, and outcomes.
 - Independent evidence confirming that condition changes are attributable to the program.
 - Performance measures so that citizens can determine the following: quantitative effects or results; output; efficiency; performance standards; and benchmarks.
 - Organization charts reflecting specified manager-to-employee ratios, and charts that are detailed enough to determine the organizational location of all employees.
 - Revenues by source and expenditures by purchasing category.
 - By July 1, 2013, a Web-based dashboard that reports all required performance information in a graphical gaging format.
 - A searchable listing of all employees, to include organization, program, office address, mailing address, and building name and room number, if not included in the mailing address.
- The act requires the State Auditor to verify compliance with the Article by all affected agencies. Non-compliant agencies are reported to the Board, the Governor, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division. An agency attempting good faith compliance shall not be deemed to be out of compliance.
 - If a State agency or non-State entity fails to comply with the Article, the act grants any taxpayer the right to bring a suit in superior court seeking specific performance, i.e., an order compelling compliance. The plaintiff is not required to allege or prove any special damage different from that suffered by the public at large.
 - If the plaintiff presents a prima facie case of non-compliance, the burden is on the agency to show compliance. Good faith attempts at compliance are a complete defense to claims under the Article. Frivolous actions or actions filed in bad faith subject the plaintiff to payment of attorneys' fees; successful actions require payment of reasonable attorneys' fees to the plaintiff.
 - The Office of State Personnel is required to adopt rules setting standards and format for organization charts and manager-to-employee ratios, and provide templates and technical assistance to assure the uniformity required by the Article.

Section 2: Exempts the Taxpayer Investment Accountability Board from the Administrative Procedures Act.

Section 3: Requires each agency subject to the Article to revise its information system to comply with the act. State agencies, when implementing or revising information systems, shall use existing information system equipment and resources.

EFFECTIVE DATE: The section of the act which establishes the Taxpayer Investment Accountability Board is effective July 1, 2011. The remainder of the act, unless otherwise specified, is effective July 1, 2012.

S463-SMRK-65(CSRK-43) v1

VISITOR REGISTRATION SHEET

Program Evaluation Committee

4-26-11

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rebecca Fasten	NCASA
Joni Auer	BEGINNINGS
Christy Agnew	DOA
Sam Brassee	DOA
Patti Brown	DOA
Robin Duke	Administration
Kelly Gisa	DOC

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

11-26-11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

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Angi Hains	WM
Emily Grimm	MWC
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Erin Schuchpeltz	UNC
Forrest Gilliam	Governor's Office
JOE LANIER	NELSON MULLINS
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Chip Kellian	Nelson Mullins
Michelle Frasier	MF+S
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VISITOR REGISTRATION SHEET

Program Evaluation Committee

4-26-11

Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

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Katherine Gaxe	NCA SA
Anne Bander	DOA
Spiro Pleggen	DOA
D. Luleod	Doc
William Kelly Croach	DOA
David Hemen	NC Center for Nonprofits
Aubrey Incorvaia	NC Dept. of Commerce
Jim Johnson	BSA
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Elizabeth Biser	Brooks Fier

Anne Bander

DOA

PAGES ATTENDING

Sen. Clary, Chrm

COMMITTEE: Program Evaluation ROOM: 421

DATE: 4-26 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!

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4	Drew Connery	Charlotte	Rucho
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8			
9			

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SENATE PROGRAM EVALUATION COMMITTEE
Tuesday, May 10, 2011 at 12:00 Noon
Room 421, Legislative Office Building

MINUTES

The Senate Program Evaluation Committee met at 12:00 Noon on May 10, 2011, in Room 421 of the Legislative Office Building. 14 members of the committee were present. Senator Debbie Clary, Chair, presided.

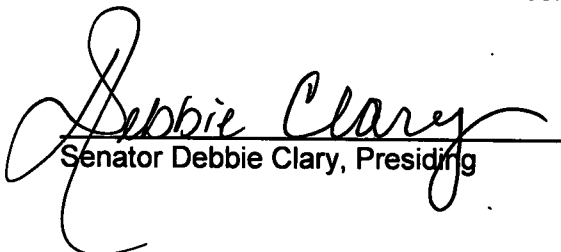
Senator Debbie Clary called the meeting to order and recognized Senate Pages Alexis McDonald and Ashton Herring.

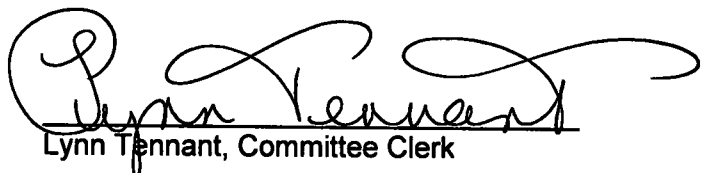
Senator Clary called Senator Dan Clodfelter to speak on Senate Bill 428, Study Consolidated Environmental Commission. This act would require the Environmental Review Commission to evaluate all issues pertaining to the consolidation of the roles and duties of current multiple environmental boards, commissions, and councils, and report to the General Assembly no later than the convening of the 2012 Regular Session. Senator Clodfelter referenced a handout, a memo dated April 11, 1995, from George F. Givens, regarding Analysis and options for a full-time Environmental Commission modeled on the Utilities Commission, attached and included with meeting minutes. Questions and Clarifications followed. Senator Floyd McKissick moved for a favorable report and the Senate Bill 428 was reported Favorable.

Senator Clary called Senator Fletcher Hartsell to discuss Proposed Committee Substitute 626, PED to Study DENR Action/Alcoa Contamination. This act directs the Program Evaluation Division of the General Assembly to study the progress of cleanup and the Department of Environment and Natural Resources' handling of contamination at the facility owned by Alcoa Power Generating, Inc., and the surrounding area, located in the Town of Badin in Stanly County. The PCS is looking for answers because there was no report before staff in charge retired. Senator Clodfelter moved for a Favorable report. The Bill passed as Unfavorable to original Bill, but Favorable as to Committee Substitute.

Senator Clary called forth Senator Bingham to review the PCS and Amendment for Senate Bill 661, License Plate Agency Contracts. This act directs the Program Evaluation Division of the General Assembly to study and evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program. Dan Johnston, a License Plate Contractor since 1976, spoke from the audience regarding investment in the business and the ability to operate. Senator Clary opened the floor for questions and comments. Cecil Hargett, Branch 16 Tag Agent, came forth to speak on the Bill. Patty Smithson, License Tag Agent from Wilmington, spoke from the audience on the bill and clarified answers to questions. JoAnna Reese, with NCDOT/DMV answered questions from the audience. Senator Tillman moved for a Favorable report and it was accepted as amended. Amendment is attached.

With no further business before the committee, the meeting adjourned at 12:50 p.m.


Senator Debbie Clary, Presiding


Lynn Tennant, Committee Clerk

Senate Program Evaluation Committee
Tuesday, May 10, 2011, 12:00 Noon
421 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 428	Study Consolidated Environmental Commission.	Senator Clodfelter
SB 626	PED to Study DENR Action/Alcoa Contamination.	Senator Hartsell
SB 661	License Plate Agency Contracts.	Senator Bingham
		Senator Bingham

Adjournment

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill	<u>S 428</u>	Sponsor	<u>Clodfelter</u>
Favorable	<u>✓</u>	Motion by	<u>mckissick</u>
Unfavorable	<u> </u>	Motion by	<u> </u>
Amended	<u> </u>	Motion by	<u> </u>
Comm. Sub.	<u> </u>	Motion by	<u> </u>
Original Bill	<u> </u>		
Re-referred	<u> </u>	Motion by	<u> </u>
Other Action	<u> </u>		

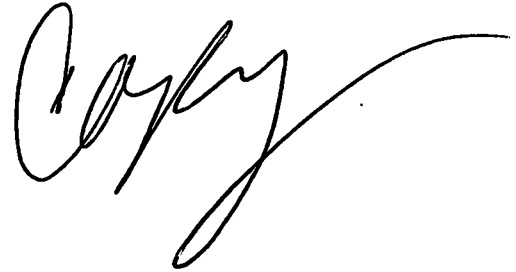
PCS Bill	<u>S 626</u>	Sponsor	<u>Hartsell</u>
Favorable	<u>✓</u>	Motion by	<u>Hisc to discuss PCS</u>
Unfavorable	<u>to orig bill</u>	Motion by	<u>Clodfelter</u>
Amended	<u> </u>	Motion by	<u> </u>
Comm. Sub.	<u> </u>	Motion by	<u> </u>
Original Bill	<u> </u>		
Re-referred	<u> </u>	Motion by	<u> </u>
Other Action	<u> </u>		

PCS Bill	<u>S 661</u>	Sponsor	<u>Bingham</u>
Favorable	<u>✓</u>	Motion by	<u>Bingham</u>
Unfavorable	<u> </u>	Motion by	<u> </u>
Amended	<u> </u>	Motion by	<u> </u>
Comm. Sub.	<u> </u>	Motion by	<u> </u>
Original Bill	<u> </u>		
Re-referred	<u> </u>	Motion by	<u> </u>
Other Action	<u> </u>		

Bill Amendment	<u>661</u>	Sponsor	<u>Tillman</u>
Favorable	<u>✓ as amended</u>	Motion by	<u> </u>
Unfavorable	<u> </u>	Motion by	<u> </u>
Amended	<u> </u>	Motion by	<u> </u>
Comm. Sub.	<u> </u>	Motion by	<u> </u>
Original Bill	<u> </u>		
Re-referred	<u> </u>	Motion by	<u> </u>
Other Action	<u> </u>		

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**PROGRAM EVALUATION COMMITTEE REPORT
Senator Debbie A. Clary, Chair**



Tuesday, May 10, 2011

Senator CLARY,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	428	Study Consolidated Environmental Commission.
		Sequential Referral: None
		Recommended Referral: None

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B.	626	PED to Study DENR Action/Alcoa Contamination.
		Draft Number: pcs35245
		Sequential Referral: None
		Recommended Referral: None
		Long Title Amended: Yes

S.B.	661	License Plate Agency Contracts.
		Draft Number: pcs55300
		Sequential Referral: None
		Recommended Referral: None
		Long Title Amended: Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

S

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SENATE BILL 428

Short Title:	Study Consolidated Environmental Commission.	(Public)
Sponsors:	Senators Clodfelter; Hartsell and Rouzer.	
Referred to:	Program Evaluation.	

March 28, 2011

A BILL TO BE ENTITLED
AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE
DESIRABILITY AND THE FEASIBILITY OF CONSOLIDATING THE STATE'S
ENVIRONMENTAL POLICY-MAKING, RULE-MAKING, AND QUASI-JUDICIAL
FUNCTIONS INTO ONE COMPREHENSIVE FULL-TIME ENVIRONMENTAL
COMMISSION.

Whereas, a clean environment is essential to the quality of life and the economic prosperity of all North Carolinians; and

Whereas, sound environmental protection policies call for long-term planning and innovative solutions; and

Whereas, the science, the technology, and the law of environmental protection have become increasingly complex; and

Whereas, environmental policy-making in North Carolina is currently spread across multiple boards, commissions, and councils, with powers and duties ranging from advisory to rule-making and quasi-judicial; and

Whereas, these boards, commissions, and councils are comprised of part-time private sector volunteers appointed by the Governor or the General Assembly, or both; and

Whereas, the number of environmental boards, commissions, and councils across State government has created inefficiencies in overall environmental program delivery, confusion among the general public over agency authorities, and some duplication of State agency activities; and

Whereas, part-time citizen boards and commissions cannot devote the time and expertise necessary to review and understand all of the information required to adequately and appropriately deal with the array of environmental issues coming before them; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. The Environmental Review Commission shall study the desirability and the feasibility of consolidating the State's environmental policy-making, rule-making, and quasi-judicial functions into one comprehensive full-time environmental commission, perhaps to be modeled after the North Carolina Utilities Commission. As part of this study, the Environmental Review Commission shall evaluate all issues that pertain to a consolidation of the roles and duties that the current multiple environmental boards, commissions, and councils have. The Environmental Review Commission shall also consider any one or more of the following issues:

- (1) Whether a consolidated environmental commission should have its own full-time staff.



- (2) Whether a consolidated environmental commission would enhance the efficiency, objectivity, or fairness of environmental policy-making and regulation in North Carolina or reduce any unnecessary duplication.
- (3) How a consolidated environmental commission would access the scientific expertise it would need to address the broad range of environmental subjects under its purview.
- (4) What should be the number of commissioners to serve on such a commission, their qualifications, and their term length; how such commissioners should be appointed; and what should be the commission's duties.
- (5) How such a commission and its staff would be funded.
- (6) What is a reasonable timetable for creating and phasing in such a commission.
- (7) Any other issues the Environmental Review Commission deems pertinent to its charge under this act.

SECTION 2. No later than the convening of the 2012 Regular Session of the 2011 General Assembly, the Environmental Review Commission shall report its findings and recommendations, including any proposals for legislation or administrative action, to the General Assembly.

SECTION 3. The study under this act shall be funded from funds available to the General Assembly for the 2011-2012 fiscal year.

SECTION 4. This act becomes effective July 1, 2011.



SENATE BILL 428: Study Consolidated Environmental Commission

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Sen. Clodfelter
Analysis of: First Edition

Date: May 8, 2011
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act would require the Environmental Review Commission to evaluate all issues pertaining to the consolidation of the roles and duties of current multiple environmental boards, commissions, and councils, and report to the General Assembly no later than the convening of the 2012 Regular Session. The act is effective July 1, 2011.*

BILL ANALYSIS: The Environmental Review Commission (Commission) is directed to study the desirability and the feasibility of consolidating the State's environmental policy-making, rule-making, and quasi-judicial functions into one comprehensive full-time environmental commission. The Commission shall consider any one or more of the following issues:

- (1) Whether a consolidated environmental commission should have its own full-time staff.
- (2) Whether a consolidated environmental commission would enhance the efficiency, objectivity, or fairness of environmental policy-making and regulation in North Carolina or reduce any unnecessary duplication.
- (3) How a consolidated environmental commission would access the scientific expertise it would need to address the broad range of environmental subjects under its purview.
- (4) What should be the number of commissioners to serve on such a commission, their qualifications, and their term length; how such commissioners should be appointed; and what should be the commission's duties.
- (5) How such a commission and its staff would be funded.
- (6) What is a reasonable timetable for creating and phasing in such a commission.
- (7) Any other issues the Commission deems pertinent to its charge under this act.

The Environmental Review Commission shall report its findings and recommendations, including any proposals for legislation or administrative action, to the General Assembly no later than the convening of the 2012 Regular Session of the General Assembly. Funds for the study would be from funds available to the General Assembly for the 2011-2012 fiscal year.

EFFECTIVE DATE: This act becomes effective July 1, 2011.

S428-SMRK-78(e1) v1



NORTH CAROLINA GENERAL ASSEMBLY

Legislative Services Office

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Research Division

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Kory Goldsmith
Interim Director

11 April 1995

Revised 9 October 2008 (Green edits/changes/comments)

Revised 8 December 2008 (Blue edits/changes/comments)

To: Members of the Environmental Review Commission
Interested Parties

From: George F. Givens, Commission Counsel

Re: Analysis and options for a full time Environmental Commission modeled on the Utilities Commission

This memorandum is revised version of a memorandum that I prepared for then Senator Beverly Perdue dated 11 April 1995. This memorandum has been revised because of renewed interest in the issues it addresses and recent circulation of the original memorandum. This revision is intended to be a "cosmetic" one and is not, at this point, intended to be a thorough revision of the original memorandum. (No inference should be drawn with respect to Lieutenant Governor Perdue's views on the issues addressed in this memorandum either now or at the time it was originally prepared.) The renewed interest in these issues resulted in the authorization in the Studies Act of 2008 of a study to be performed by the Environmental Review Commission. Section 6.4 of the Studies Act of 2008 (S.L. 2008-181) reads as follows:

Consolidation of Environmental Regulatory Programs – The Commission may study the desirability of abolishing existing environmental regulatory programs and replacing them with a new, full-time Environmental Management Commission modeled on the Utilities Commission in order to improve efficiency, communication, and coordination within State government in the development and implementation of environmental and natural resources policy.

This concept of a full-time regulatory commission for the environment has been suggested and discussed in a number of forums prior to the preparation of the original memo. The Commission's working group on environmental permitting reform, which met in the early 1990's, expressed interest in this topic. There were, however, concerns regarding how much a full-time Environmental Management Commission might cost to implement.

Consolidation of rulemaking and administrative appeals for all environmental programs in a single entity would greatly enhance the efficiency of the environmental regulatory process. A single rulemaking body would coordinate environmental policy across a broad range of regulatory programs. A full-time commission that functioned as a court of record could both hear and decide all appeals of environmental permit decisions, thereby simplifying (and perhaps significantly speeding up) the environmental permitting process.

A single, comprehensive, full-time Environmental Commission could offer significant improvements over the current system from the point of view of environmental protection, the regulated communities, and economic development.

A commission into which all environmental regulatory programs are consolidated would be consistent with, and a logical extension of, the consolidation of environmental regulatory programs that occurred when the Department of Environment, Health, and Natural Resources (DEHNR) was created in 1989. In fact, the proponents of the 1989 consolidation recognized at the time that one item of unfinished business was the realignment of the organization, powers, duties, and functions of the boards, commissions, and councils associated with DEHNR. S.L. 1997-443 provided for the restructure of DEHNR with the creation of the Department of Health and Human Services (DHHS) and the relocation of most health-related programs from DEHNR to the newly created DHHS. S.L. 1997-443 created the Department of Environment and Natural Resources from what was once DEHNR and this is how the Agency operates at present. I have included a copy of the DENR organization chart as an attachment to this memorandum for your information.

Because the Utilities Commission is the most frequently suggested, and probably the most appropriate, model for a consolidated environmental regulatory commission, a brief review of the structure and operation of the Utilities Commission would be useful.

North Carolina Utilities Commission

The North Carolina Utilities Commission is an agency of the State of North Carolina created by the General Assembly to regulate the rates and services of all public utilities in North Carolina. It is the oldest regulatory body in State government. The present Utilities Commission evolved from the Railroad Commission, which was created in 1891 and given authority to regulate railroad, steam boat, and telegraph companies. Today, in addition to railroad and telegraph companies, the Utilities Commission regulates electric, telephone, natural gas, water and sewer, radio common carrier, ferryboats, and transportation and bus companies. The Utilities Commission is also responsible for administering programs in North Carolina to ensure the safety of natural gas pipelines and railroads.

The Utilities Commission consists of seven members who are appointed by the Governor, subject to confirmation by the General Assembly, for eight-year terms. The Governor designates one member of the Utilities Commission to serve as Chairman for a four-year term. The Chairman serves as the chief executive and administrative officer of the Utilities Commission. Members of the Utilities Commission are prohibited by law from engaging in any other employment, business, profession, or vocation while in office.

The Utilities Commission is by law an administrative board or agency of the General Assembly created for the principal purpose of carrying out the administration and enforcement of the Public Utilities Act. The Utilities Commission is accountable to the General Assembly and is subject to legislative oversight by the Joint Legislative Utility Review Committee. The Utilities Commission is authorized to adopt rules and to fix utility rates pursuant to Chapter 62 of the General Statutes. In carrying out its purposes, the Commission is required by law to perform its duties and responsibilities in securing to the people of the State an efficient and economic system of public utilities in the same manner as other commissions and administrative boards generally.

he purpose of conducting hearings, making decisions and issuing orders, and in formal investigations where a record is made of testimony under oath, the Commission is deemed to exercise functions that are judicial in nature, and it has all the powers and jurisdiction of a court of general jurisdiction as to all subjects over which it has jurisdiction by law. The Commissioners and members of the Commission staff designated and assigned to serve as Hearing Examiners have full power to administer oaths and to hear and take evidence. The Commission renders its decisions upon questions of law and fact in the same manner as a court of record. A majority of the Commissioners constitutes a quorum, and any order or decision of a majority of the Commissioners constitutes the order or decision of the Commission. The Commission has the same power to compel the attendance of witnesses, require the examination of persons and parties, compel the production of books and papers, and punish for contempt, as by law is conferred upon the superior courts.

When acting as a court of record, the Commission applies the rules of evidence applicable in civil actions in the superior court, insofar as practicable. Decisions must be supported by competent, material, and substantial evidence upon consideration of the whole record. Final orders or decisions entered by the Utilities Commission in general rate cases may be appealed directly to the North Carolina Supreme Court. All other appeals must first proceed to the North Carolina Court of Appeals.

The full Commission may be designated by the Chairman to hear cases involving matters of significant public or substantial importance. Generally, however, the Commissioners sit in panels of three. For purpose of conducting hearings, the Chairman assigns Hearing Commissioners or Hearing Examiners and designates the presiding officer. The Commission and its staff are prohibited by law from engaging in *ex parte* communications with parties to contested cases pertaining to the merits of the proceedings. The Utilities Commission is wholly exempt from the Administrative Procedure Act (Chapter 150B of the General Statutes), which governs rulemaking and contested case proceedings by most administrative agencies, commissions, and boards within State government.

The Public Staff of the Utilities Commission represents the interests of the using and consuming public in matters pending before the Utilities Commission. The Public Staff is an independent agency that is not subject to the supervision, direction, or control of the Utilities Commission. The Executive Director of the Public Staff is appointed by the Governor subject to confirmation by the General Assembly for a term of six years.

The Utilities Section of the Office of the Attorney General also represents the interests of the using and consuming public in matters pending before the Utilities Commission. The Attorney General's staff is independent of both the Utilities Commission and the Public Staff. For this reason the Attorney General may take a position in particular cases that differ from that taken by the Public Staff. Thus the Attorney General serves as an additional check on behalf of the using and consuming public.

Current Structure of the Department of Environment and Natural Resources (DENR)

DENR is the department of State government charged with protecting the environment, promoting public health, and managing the State's natural resources. DENR is headed by the Secretary, who is appointed by the Governor and who serves at the pleasure of the Governor. The agencies within DENR are organized into three groups, one for each major function – environment, natural resources,

and information services. Each of the three groups of agencies is headed by an Assistant Secretary. The principal agencies of DENR include 26 divisions and other offices and upwards of 35 statutory commissions, councils, boards, and committees and special agencies or programs. In addition, the Wildlife Resources Commission is administratively located within DENR but operates as an independent agency. DENR administers its programs through the departmental offices in Raleigh and through seven regional offices located in Asheville, Fayetteville, Mooresville, Raleigh, Washington, Wilmington, and Winston-Salem.

The various statutory commissions, councils, boards and committees of DENR have powers, duties, and functions that range from the purely advisory to the formulation and implementation of policy through the exercise of rulemaking and quasi-judicial powers. In fact, responsibility for the administration of many of the major environmental programs, including water and air quality, is vested by statute in a commission, of which the current Environmental Management Commission (EMC) is but one example. In such cases, much of the administrative responsibility is delegated by the EMC to DENR and its staff.

For the most part, the statutory commissions, councils, boards, and committees are composed of citizens who are not governmental employees and who serve without compensation other than reimbursement of expenses. Most members of most boards and commissions are appointed by the Governor, by the Governor and the General Assembly, or by some combination of the Governor, General Assembly, and other appointing authorities. Most commissions meet for no more than one or two days each month and thus are very much part-time entities. This pattern of broad-based citizen involvement in the administration of State government is something of a tradition in North Carolina, and both the benefits and shortcomings of this pattern should be considered.

The policy-setting functions of commissions that are not advisory in nature are exercised through two processes: rulemaking, or the adoption of rules, which is a quasi-legislative function; and the resolution of disputes between a State agency and other persons, which involves an administrative hearing process that in North Carolina is called a "contested case," and which is a quasi-judicial function. The exercise of these functions by DENR and its commissions is governed by the Administrative Procedure Act (APA), which applies to all State agencies other than those specifically exempted.

Rulemaking

Whether and to what extent an administrative agency is authorized to adopt rules is determined by the General Assembly through the substantive provisions of law that create the agency and define its powers and duties. Under the APA, an agency that is authorized to adopt rules must give notice of its intent to adopt the rules by mail to interested parties and in the North Carolina Register, which is published twice a month by the State specifically for the purpose of giving notice of regulatory actions. The agency must then hold a public hearing. Following the public hearing, the agency must publish the text of the rules it proposes to adopt in the North Carolina Register. The agency must then accept public comment for a minimum of 30 days. Only then may an agency adopt a permanent rule. However a permanent rule does not become effective until the rule has either been approved by the Rules Review Commission (RRC) or the agency adopts the rule over the objection of the RRC. The RRC may hold its own hearing on the proposed rule. Finally, a rule that an agency adopts over the objection of the RRC may be challenged by a declaratory judgment action in the Superior Court of Wake County.

consideration would either expand the scope of RRC or, where appropriate, subject rules to review

Note that in North Carolina most rules are adopted by an independent commission that is not controlled by the executive branch agency responsible for implementing the rule. This is generally true of DENR, although agency staff certainly play a major role in initiating and shaping rulemaking. However rulemaking does not require a separate commission and the General Assembly could authorize DENR itself to perform the rulemaking function. This has in fact been done in a few limited circumstances. For comparison, note that the United States Environmental Protection Agency (EPA) is the environmental rulemaking authority at the federal level and that there is no federal equivalent of North Carolina's EMC.

Administrative hearings / Contested cases

It is the policy of the State that disputes that arise between an agency and another person that involve the person's, rights, duties, or privileges, including licensing or the imposition of a monetary penalty be settled through informal procedures whenever possible. The Administrative Procedure Act provides for informal dispute resolution through the mechanism of the contested case proceeding before an administrative law judge, which is an alternative to litigation in the courts. In fact, the procedure in a contested case is similar to that used in the courts, and the same rules of evidence apply. Thus, in practice, a contested case involves about the same degree of complexity as a court proceeding, and if the parties remain dissatisfied after the final agency decision, the contested case amounts to a prerequisite, rather than an alternative, to litigation in the courts. However, given the congested dockets of the Superior Court, and the large number of disputes are resolved through the administrative hearings process, simply transferring the dispute resolution to the Superior Court would be impractical.

In summary, administrative review of agency decisions works as follows:

- (1) A person who is aggrieved by an agency action and who is unable to resolve the matter directly with agency staff may file a contested case with the Office of Administrative Hearings (OAH).

In the context of environmental regulation, examples of persons who are commonly aggrieved by an action of DENR or one of its commissions include: a person who has been assessed a civil penalty, a person who has been denied a permit, or a person who had been issued a permit that includes unacceptable conditions or limitations. Since the decision of the North Carolina Supreme Court in *Empire Power and George Clark v. DEHNR and Duke Power*, it is clear that "person aggrieved" includes third parties. Examples of third parties who may file a contested case on an environmental permit decision include environmental advocates and competing businesses. A business might object, for instance, if DENR issues a discharge permit to a competitor that uses assimilative capacity that the business may need in the future. (Although discussion of third-party administrative appeals has in the past focused on challenges to permit decisions by environmentalists, as resources like assimilative capacity become increasingly scarce, third-party challenges are increasingly likely to come from competitors within the regulated community.)

- (2) An OAH Administrative Law Judge (ALJ) conducts a full evidentiary hearing and a complete record

of the hearing is prepared. The ALJ also makes a recommended decision.

For a number of reasons involving constitutional issues, responsibility for policy development and implementation, and agency responsibility, the ALJ makes only a recommended decision.

- (3) The record of the administrative hearing and the ALJ's recommended decision are sent to the entity that is authorized to make the "final agency decision."

Under the statutes governing DENR's environmental regulatory programs, final agency decisions are generally, but not always, made by a commission that also has rulemaking authority. However in some instances the Secretary or some other person is directed to make the final agency decision. The entity that makes the final agency decision may accept, reject, or accept in part and reject in part an ALJ's recommended decision.

- (4) A final agency decision may be challenged in Superior Court.

Article 4 of the Administrative Procedure Act governs review of a final agency decision in Superior Court. The Superior Court proceeding is not a trial *de novo*. Rather, review is limited to whether the action violates constitutional provisions, exceeds statutory authority, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence, or is arbitrary or capricious. An action will be upheld if it is found to be supported by substantial evidence based on the whole record submitted to the court. If the court finds that the record contains evidence sufficient to justify the agency's decision, the court will uphold the evidence even if the court finds that the record also contains evidence that would have caused the court itself to make a different decision.

The foregoing discussion is presented to outline some of the procedural complexities that might be streamlined by a full-time Environmental Commission. To achieve that result, such a commission should combine rulemaking, administrative review, and at least the initial aspects of judicial review. The foregoing discussion is not intended to outline all aspects of current DENR procedure. For example, when an applicant applies for a water discharge permit, notice is given and, depending on the circumstances, an environmental assessment and an environmental impact statement may be prepared, one or more public hearings may be held, DENR may request additional information from the applicant, a draft permit is prepared, and DEHNR makes an initial permit decision. Then, if the applicant or aggrieved third-party is dissatisfied with the initial decision, the initial decision may become the subject of a contested case as outlined above.

Existing Commissions to be Consolidated into a Comprehensive Environmental Commission

The other aspect of streamlining to be accomplished by the creation of a comprehensive Environmental Commission is the consolidation of numerous existing commissions within DENR.

rationale for such a consolidation lies in the potential to eliminate overlapping and conflicting jurisdiction, coordinate the development of sound and consistent policy, and provide a responsible entity that will be more accessible, understandable, and acceptable to the public. The Utilities Commission model suggests that those commissions that exercise responsibility for some aspect of environmental policy through rulemaking or adjudicatory powers should be included in a comprehensive Environmental Commission, because it is precisely those powers that the Utilities Commission itself exercises in the regulation of public utilities. Based on the Utilities Commission model, the following commissions within DENR ~~should be given first consideration~~ for inclusion in a comprehensive Environmental Commission:

Commission	Membership	Authorization (C) = Creation, (M) = Membership, (P) = Powers
Agricultural Development and Farmland Preservation Trust Fund Advisory Committee	<u>19 members</u> 1 – appointed by Governor 1 – appointed by Senate President Pro Temp 1 – appointed by Speaker of the House 16 – ex officio	(C, M, & P) G.S. 106-744
Atlantic States Marine Fisheries Commission	<u>3 members</u> 2 – appointed by Governor 1 – ex officio (Fisheries Director)	(C) G.S. 113-251 (M) G.S. 113-254 (P) G.S. 113-255 and 113-256
C Water Management Trust Fund d of Trustees	<u>21 members</u> 7 – appointed by Governor 7 – appointed by Senate President Pro Temp 7 – appointed by Speaker of the House	(C) G.S. 113A-251 et seq. (M) G.S. 113A-255 (P) G.S. 113A-256
Coastal Resources Commission	<u>15 members</u> 15 – appointed by Governor	(C & M) G.S. 113A-104 (P) Article 7 of Chapter 113A
Environmental Management Commission	<u>19 members</u> 13 – appointed by the Governor 3 – appointed by Senate President Pro Temp 3 – appointed by Speaker of the House	(C) G.S. 143B-282 (M) G.S. 143B-283 (P) G.S. 143B-282.1
Forestry Council	<u>18 members</u> 10 – appointed by Governor 4 – appointed by Senate President Pro Temp 4 – appointed by Speaker of the House	(C & P) G.S. 143B-308 (M) G.S. 143B-309
Commission for Public Health	<u>13 members</u> 9 – appointed by the Governor 4 – elected by the NC Medical Society	(C & P) G.S. 130A-29 (M) G.S. 130A-30

Commission

Membership

Authorization

(C) = Creation, (M) =
Membership, (P) = Powers

Interstate Mining Commission

1 member

1 – Serves at the pleasure of the Governor

(M) G.S. 74-37, Article V

Marine Fisheries Commission

9 members

9 – appointed by the Governor

(C) G.S. 143B-289.51

(M) G.S. 143B-289.54

(P) G.S. 143B-289.52 and .53

Mid-Atlantic Fishery Management
Council

21 voting members

2 – NC members: appointed by Governor

Public Law 94-265 as
amended by P.L. 109-479
<http://www.mafmc.org/mid-atlantic/mafmc.htm>

Mining Commission

9 members

9 – appointed by Governor

(C & P) G.S. 143B-290

(M) G.S. 143B-291

National Park, Parkway, and Forests
Development Council

7 members

7 – appointed by Governor

(C & P) G.S. 143B-324.1

(M) G.S. 143B-324.2

Natural Heritage Trust Fund
Board of Trustees

12 members

4 – appointed by Governor

4 – appointed by Senate President Pro Temp

4 – appointed by Speaker of the House

(C) G.S. 113-77.7

(M) G.S. 113-77.8

(P) Article 5A of Chapter 113

State Museum of Natural Sciences
Advisory Commission

At least 10 members

7 – ex officio

3 – appointed by Governor

(C & M) G.S. 143B-344.18

(P) G.S. 143B-344.19

Parks and Recreation Authority

15 members

5 – appointed by Governor

5 – appointed by Senate President Pro Temp

5 – appointed by Speaker of the House

(C & P) G.S. 143B-113.1

(M) G.S. 143B-113.2

Radiation Protection Commission

21 members

11 – appointed by Governor

10 – ex officio appointed by Governor

(C & P) G.S. 104E-7

(M) G.S. 104E-8

Board of Sanitarian Examiners

9 members

9 – appointed by Governor

(C) G.S. 90A-50

(M) G.S. 90A-55

Sedimentation Control Commission

12 members

12 – appointed by Governor

(C & P) G.S. 143B-298

(M) G.S. 143B-299

Soil and Water Conservation
Commission

7 members

7 – appointed by Governor

(C & P) G.S. 143B-294

(M) G.S. 143B-295

South Atlantic Fishery Management
Council

3 members

3 – appointed by Governor

Public Law 94-265 as
amended by P.L. 109-479.
<http://www.safmc.net/>

Water Pollution Control System
Operators Certification Commission

11 members

2 – appointed by Commissioner of Agriculture

9 – appointed by Secretary of DENR

(C & P) G.S. 143B-300

(M) G.S. 143B-301

C.....ission**Membership****Authorization**

(C) = Creation, (M) =
Membership, (P) = Powers

Water Treatment Facility Operators
Certification Board

8 members
8 – appointed by Governor

(C, M, P) G.S. 90A-21

Well Contractors Commission

7 members
1 – appointed by Governor
3 – appointed by Senate President Pro Temp
3 – appointed by Speaker of the House

(C & P) G.S. 143B-301.11
(M) G.S. 143B-301.12

Wildlife Resources Commission

19 members
11 – appointed by Governor
4 – appointed by Senate President Pro Temp
4 – appointed by Speaker of the House

(C & P) G.S. 143-240
(M) G.S. 143-241

Zoological Park Council

15 members
15 – appointed by Governor

(C & P) G.S. 143B-335
(M) G.S. 143B-336

In addition, the following two entities within the Department of Agriculture should be considered for inclusion in a comprehensive Environmental Commission:

Pesticide Board

7 members
7 – appointed by Governor

(C & M) G.S. 143-436
(P) G.S. 143-437

Structural Pest Control Committee

9 members
3 – appointed by Governor
1 – appointed by NCSU
2 – appointed by Commissioner of Agriculture
1 – appointed Secretary of DHHS
1 – appointed by Senate President Pro Temp
1 – appointed by Speaker of the House

(C, M, & P) G.S. 106-65.23

Discussion

The inclusion of the Commission for Public Health in the table above raises the issue of the relation between health and environmental programs and underscores the fact that some programs involve the protection of both public health and the environment. The Commission for Public Health is the rulemaking entity for programs that are focused on public or personal health, such as the maternal and child health and the communicable diseases programs. "Environmental" programs for which the Commission for Public Health is the rulemaking entity include:

- Solid and hazardous waste management (Article 9 of Chapter 130A of the General Statutes)
- The North Carolina Drinking Water Act (Article 10 of Chapter 130A of the General Statutes)
- Wastewater systems management (Article 11 of Chapter 130A of the General Statutes)
- Asbestos hazard management (Article 19 of Chapter 130A of the General Statutes)
- Lead-based paint hazard management (Article 19A of Chapter 130A of the General Statutes)

When DEHNR was created in 1989, it was intended that, following a period of adjustment within the new department and after further study, responsibility for environmental programs under the Commission for

Public Health would be transferred from the Commission for Public Health to the Environment Management Commission or a new commission that would deal specifically with solid and hazardous waste. To date, this has not occurred.

The primary difficulty in reassigning responsibility for environmental programs now under the Commission for Public Health lies in identifying which programs are "environmental". While the distinction between "health" and "environmental" is clear for some programs, it is not so clear for others. Included in the "difficult to classify" group are programs for ~~solid and hazardous waste management, shellfish sanitation, asbestos management, and air quality management.~~ In fact, the difficulty in drawing a clear distinction between health and environmental programs was the primary reason for the creation of DEHNR. Those who advocated the former departmental structure of DEHNR when it was under consideration believed that consolidation would facilitate much needed coordination between health and environmental programs.

If all programs for which the Commission for Public Health is the rulemaking entity were consolidated with other environmental programs under a single commission, it would not be necessary to determine which programs are "health" and which are "environmental". However, a single commission with responsibility for both health and environmental programs would involve so wide a range of issues and expertise that it would probably prove cumbersome and inefficient. Thus, while some of its programs should be transferred to the Environmental Commission, the Commission for Public Health should be retained. The most likely candidates for transfer are the ~~solid and hazardous waste management~~, public water supply, subsurface wastewater management, and shellfish sanitation programs.

If the Commission for Public Health is retained, some formal structural arrangement to ensure coordination between the Commission for Public Health and the Environmental Commission should be established. This could be done at the staff level, although it may be desirable to designate one or two positions on each commission that would be filled by the same person.

The inclusion of the **Wildlife Resources Commission** in the table above raises the issue of the traditional independence of that commission and its staff. Some attention should be given to the reasons the Wildlife Resources Commission was established as an autonomous commission and whether those reasons continue to be valid. Conceptually, the regulation of hunting and freshwater fishing is no different from the regulation of marine fisheries. Whether it would be practical to consolidate the functions of the Wildlife Resources Commission into an Environmental Commission is another matter. If the Wildlife Resources Commission is retained, it may be desirable to transfer certain functions, such as the conservation of endangered species, to the Environmental Commission. Again, if the Wildlife Resources Commission is retained, some structural provision for coordination between the Wildlife Resources Commission and the Environmental Commission should be established.

The **Water Pollution Control System Operators Certification Commission** and the **Water Treatment Facility Operators Certification Board** exercise regulatory authority in that they establish standards and certify professionals who operate wastewater treatment and public water supply systems. They are, in effect, occupational licensing boards. It makes little difference to the overall purposes of a consolidated Environmental Commission whether their functions are assigned to the consolidated commission or these entities remain in their present form.

The Radiation Protection Commission is responsible for a significant environmental protection program (low-level radioactive waste management) and there are at least two reasons why its responsibilities should not be merged into a comprehensive Environmental Commission. The scientific principles involved in radiation protection are different from those involved in other environmental protection programs. Also, the legal basis of much of the State's authority to regulate in this area is different from other environmental protection programs. (Many environmental protection programs involve approval or delegation of authority from EPA; most of the State's authority to regulate radiation depends on its "agreement state" status with the United States Nuclear Regulatory Commission.)

The inclusion of the Pesticide Board and the Structural Pest Control Committee in the table above raises the issue of whether regulation of pesticides should remain under the Department of Agriculture and Consumer Services or be transferred to the agency responsible for environmental protection. This issue has been the subject of much debate with various arguments advanced on each side. Note that at the federal level pesticides are regulated by EPA, while in many states where, like North Carolina, agriculture is a significant factor in the economy, pesticides are regulated by the state agricultural department.

Programs not included

During the course of the discussions that led to the creation of DEHNR, several programs that ultimately were not included in DEHNR were considered. The conclusion in each case was that the overall focus of the program was not environmental protection and that there was a valid reason for the current location of the program. While it may be useful to reexamine those conclusions, it does not appear that any of these programs are sufficiently related to the functions of DENR to warrant their transfer to DENR or to a comprehensive Environmental Commission. These programs and the agency under which they are currently administered include:

- Hazardous Chemicals Right to Know Act (G.S. 95-173 et seq.)
 - Department of Labor
- Occupational Safety and Health Act (G.S. 95-126 et seq.)
 - Department of Labor
- Emergency Management Act (G.S. 166A-1 et seq.)
 - Department of Crime Control and Public Safety
- Hazardous Materials Emergency Response Act (G.S. 166A-20 et seq.)
 - Department of Crime Control and Public Safety

Other programs that have some limited relation to environmental protection include the regulation of the transportation of hazardous substances by the Department of Transportation and those aspects of the State Building Code intended to prevent fires, and more recently, to regulate facilities that treat, store, and dispose of hazardous waste (S.L. 2007-107). The State Building Code is adopted by the Building Code Council in the Department of Insurance.

Advisory and other non-regulatory entities

I have not listed for possible inclusion in an Environmental Commission a number of entities that are advisory in nature or that perform other non-regulatory functions. If an Environmental Commission

were created, some of these entities could be abolished. Others would, or could, be retained for various reasons, including for example:

- The entity is required by federal law (e.g. the Small Business Environmental Advisory Panel (G.S. 143B-317, et seq.))
- The entity performs a significant non-regulatory function (e.g. Natural Heritage Trust Fund Board of Trustees (G.S. 113-77.8))
- The entity is an advisory panel and is a useful component of a particular program.

Some programs that are not regulatory in nature include advisory committees, e.g. the Trails Committee (G.S. 143B-333). Also, some regulatory programs have both a rulemaking and an advisory entity (e.g. the Coastal Resources Commission (G.S. 113A-104) and the Coastal Resources Advisory Committee (G.S. 113A-105)).

As stated previously, North Carolina has a long tradition of significant citizen involvement in State government through participation in both regulatory and advisory commissions, committees, and councils. There are a number of reasons for which preserving some of this tradition may be desirable. One way to do this would be to maintain advisory councils, such as the Coastal Resources Advisory Council, for those programs that are consolidated under an Environmental Commission. It may even be appropriate to create advisory committees for some programs that do not have them at present. If existing advisory committees are retained or new ones are created, it would be desirable both to review the composition of existing committees for balance and to put in place structural arrangements to ensure the advisory committee function in an appropriate and useful manner in relation to the Environmental Commission.

Regulation of solid waste management as a utility

One interesting possibility suggested by the Utilities Commission model is the potential to regulate solid waste management not only for the purpose of protecting public health and the environment but in order to control rates and service. As you are probably aware, the management of solid waste has become big business in this State. While there are a number of private companies operating in the State, in some areas of the State a single company may have a virtual monopoly. A related problem is the competition between private companies and local governments that have invested significantly in solid waste management facilities. Thus, there has been some interest in regulating the solid waste management activities of both local governments and the private sector. An Environmental Commission patterned on the Utilities Commission would be in an excellent position to perform this function. Regulation of solid waste management as a utility could include the franchising of service areas, which may offer at least a partial solution to the problems associated with the intrastate and interstate flow of solid waste.

Options for the structure on an Environmental Commission

Some thought should be given to the number of commissioners, how they are appointed, the length of their term, and their qualifications. The Utilities Commission has seven members. While an Environmental Commission should not be so large that its ability to function as a cohesive judicial body is impaired, it may be desirable to create a commission with nine, or even eleven, members. This would depend on the range of programs for which the commission is responsible, how the members are appointed, and whether specific educational or experience requirements are adopted. Members of the Utilities Commission are appointed by the Governor subject to confirmation by the General Assembly. This pattern could be followed for an

ironmental Commission. An alternative would be to have some members appointed by the General Assembly, in which case confirmation of the Governor's appointees would not be appropriate.

Utilities Commissioners are appointed to staggered eight-year terms. The term of office for positions that exercise judicial functions is typically relatively long in order to promote stability and minimize the impact of frequently having to run for office or to secure reappointment. Staggered eight-year terms appear to have worked well for the Utilities Commission and the same pattern would probably work well for an Environmental Commission. By contrast, the present make up of the Environmental Management Commission consists of 19 members, 13 appointed by the Governor for six-year terms and six appointed by the General Assembly for two-year terms.

The statutes that create existing environmental regulatory commissions have generally required that some members be appointed to represent particular interests, to meet educational or professional requirements, or to have had specified prior work experience. These requirements are intended to assure the composition of the commission represents some degree of balance, that particular points of view are represented, or that the commission includes members who have particular expertise necessary to the function of the commission. In contrast, there are no particular statutory requirements that govern appointment to the Utilities Commission. Given the likely size of an Environmental Commission (seven to eleven members) and the large number of specific interests that would have a claim to representation, specific requirements for particular positions on an Environmental Commission would probably not be desirable. This question should be given further thought in conjunction with how, and how many, members would be appointed to Environmental Commission.

Staffing issues

To function like the Utilities Commission, an Environmental Commission would require a professional staff. Most services and expertise could be drawn from DENR - as is the case with the EMC at present - but a comprehensive Environmental Commission would need sufficient staff to allow it to make informed, independent decisions. Staff expertise sufficient to allow an Environmental Commission to evaluate both environmental impact statements and projections of the benefits, costs, and economic impact of rules would be particularly important.

Presumably DENR would function in a manner analogous to the Public Staff of the Utilities Commission in that, broadly speaking, both represent the public interest. It is in this regard that the parallels between the Utilities Commission and an Environmental Commission break down to some extent. The Utilities Commission regulates private enterprises that provide specific, more-or-less essential services on a monopoly basis within a given geographic area. The public interest lies in having service provided by private enterprise in a reasonable manner at reasonable rates. This requires that the goal of keeping rates as low as possible be balanced against the reasonable expectation of investors that they will receive a fair rate of return on their investment.

Regulation to protect public health and the environment is conceptually different from utilities regulation. Environmental regulation encompasses a wide range of both private and public sector activity. Striking a balance between the often competing interests of environmental protection and economic development involves greater uncertainty than the balance of interests involved in utilities regulation. These factors would affect the role, structure, and function of the staff of the commission and staff within DENR.

These factors also affect the number of personnel that are, and would be, required.

DENR's staff is much larger than the combined staff of the Utilities Commission and the Public Staff. Environmental protection involves the regulation of a much wider range of activities of a much larger regulated community than utilities regulation. In addition, the staff of DENR is responsible for implementing environmental regulatory programs in a much more direct way than is the staff of the Utilities Commission. For these reasons, DENR's role would necessarily be more complex than that of the Public Staff of the Utilities Commission. Under both the existing organizational structure and under any likely rearrangement, DENR's responsibilities include both representing a public interest that at times is vaguely defined and implementing the regulatory programs and policies established by the General Assembly and the rulemaking commissions. As one current manifestation of these differences, note that the Executive Director of the Public Staff is appointed by the Governor, subject to confirmation by the General Assembly, to a six-year term while the Secretary of DENR serves at the pleasure of the Governor.

Similarly, although the Attorney General's staff includes both a Utilities Section and an Environmental Section, the two sections have very different functions. The Utilities Section represents the using and consuming public before the Utilities Commission. The Environmental Section represents both DENR and each regulatory commission within DENR. DENR's position is not necessarily congruent with that of the regulatory commission, which can result in situations that would constitute a conflict of interest if the Attorney General's office were a private law firm.

The foregoing are by no means insurmountable difficulties, but they do identify important concerns that would have to be resolved in order to make a "utilities style commission for the environment" work.

Role of an Environmental Commission in assessing environmental and economic impacts

The North Carolina Environmental Policy Act of 1971 (SEPA) (G.S. 113A-1 et seq.) requires State agencies to assess the probable environmental impacts of proposed actions by the agency. For significant impacts, the preparation of an environmental impact statement (EIS) is required. These requirements are intended to assist the agency in determining the appropriate decision on the proposed action. The State Clearinghouse in the Department of Administration receives environmental documents prepared pursuant to SEPA and publishes a notice of all documents received. This function could be transferred to an Environmental Commission.

Changes enacted by the General Assembly in 1996 to the Administrative Procedure Act (APA) require an analysis of the economic impact of proposed rules.

A consolidated Environmental Commission would be better positioned than the existing commissions to determine the cumulative economic impact of a proposed rule on activities subject to the rule in light of all other existing rules. A consolidated Environmental Commission should also have the perspective and resources to fully and fairly weigh economic impacts and benefits against environmental impacts and benefits.

Funding

It should be possible to estimate the cost of establishing and operating an Environmental Commission once basic decisions about the scope of the commission, the composition of the commission, and staffing

irements are made. The budgets of the Utilities Commission and the Public Staff should offer some assurance despite the differences outlined in the section on staffing issues. The costs associated with an Environmental Commission would be offset in part by the savings resulting from abolishing those commissions whose functions are consolidated into the Environmental Commission. The costs associated with advisory councils are probably a minor factor in the overall analysis.

Note that the entire cost of the Utilities Commission and the Public Staff is paid by a fee levied on the regulated utilities. Environmental regulatory programs are only partially fee supported. For example, under the water and air quality programs, permit fees are capped at 30% of program costs (G.S. 143-215.3A). One funding option would be to increase permit fees and use the additional revenue to fund the regulatory programs, including an Environmental Commission.

Economic development (Take this section out? Not part of the study language)

I have also considered the relationship between the environmental regulatory commissions and the economic development agencies. From what I have been able to learn through discussions with other members of the staff who are familiar with economic development issues and from the December 1992 report on Economic Development by the Government Performance Audit Committee, there are a number of ways in which the State's economic development activities could be streamlined.

Although there may be a considerable potential for consolidation of economic development agencies and programs, it does not necessarily follow that these agencies and programs should be consolidated into a mission that is patterned on the Utilities Commission. Economic development programs are not regulatory or adjudicatory in nature. The Economic Development Board (G.S. 143B-434) is an advisory body and does not have rulemaking powers. If a "utilities-type" commission were responsible for both environmental regulation and economic development, regulatory functions would probably tend to overshadow economic development functions. Under such an arrangement there would be a perceived, if not actual, conflicts of interest between environmental protection and economic development, particularly in relation to specific projects.

This is not to say that economic development and environmental protection are incompatible or that there is no need for coordination between the two. However, combining regulatory and development functions in a single commission may create more problems than it would solve. Perhaps the best approach is to improve both the coordination of environmental regulation and economic development in agencies that are appropriate to each function.

The creation of a consolidated Environmental Commission could make a significant contribution to economic development. The General Assembly could charge the Commission by statute with the responsibility both to protect the environment and to consider the impact of environmental protection on the State's economy. The Commission could be directed to act in a way that reflects a reasonable balancing of economic and environmental interests. This balance could be built into the membership of the Commission.

Inclusions

A consolidated Environmental Commission would result in an integrated approach to environmental policy and better coordination among programs. A consolidated commission would be able to assess both the

cumulative benefits and burdens of all regulatory programs on both the environment and on economic development. A single commission would expedite permitting and permit review, and should shorten the time for both. ~~A single commission could improve prospects for the elusive goal of one stop permitting.~~ Any streamlining of the regulatory process would benefit economic development, and the major overhaul that should flow from a single, consolidated Environmental Commission should produce significant benefits.

I hope that the foregoing is useful to you and provides the context for future Environmental Review Commission discussions on the consolidation of environmental regulatory programs.

~~Sara Kamprath, a Legislative Analyst in the Research Division, participated in the preparation of this memorandum.~~

~~Jennifer Munde, Commission Analyst, also participated in the preparation and update of this memorandum.~~

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

S

D

**SENATE BILL 626
PROPOSED COMMITTEE SUBSTITUTE S626-CSRK-56 [v.1]**

5/9/2011 9:16:04 AM

Short Title: PED to Study DENR Action/Alcoa Contamination.

(Public)

Sponsors:

Referred to:

April 19, 2011

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE
3 PROGRESS OF CLEANUP AND THE DEPARTMENT OF ENVIRONMENT AND
4 NATURAL RESOURCES' HANDLING OF CONTAMINATION PRESENT IN THE
5 AREA SURROUNDING THE FACILITY OWNED BY ALCOA POWER
6 GENERATING, INC., LOCATED IN THE TOWN OF BADIN IN STANLY COUNTY.
7 The General Assembly of North Carolina enacts:
8 **SECTION 1.(a)** The Program Evaluation Division of the General Assembly shall
9 study the progress of cleanup and the Department of Environment and Natural Resources'
10 handling of contamination at the facility owned by Alcoa Power Generating, Inc., and the
11 surrounding area, located in the Town of Badin in Stanly County.
12 **SECTION 1.(b)** The Program Evaluation Division shall submit its findings and
13 recommendations to the Joint Legislative Program Evaluation Oversight Committee and the
14 Environmental Review Commission no later than February 1, 2012.
15 **SECTION 2.** This act is effective when it becomes law.



* S 6 2 6 - C S R K - 5 6 - V - 1 *



SENATE BILL 626: PED to Study DENR Action/Alcoa Contamination

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Sens. Hartsell, Bingham
Analysis of: PCS to First Edition
S626-CSRK-56

Date: May 9, 2011
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act directs the Program Evaluation Division of the General Assembly to study the progress of cleanup and the Department of Environment and Natural Resources' handling of contamination at the facility owned by Alcoa Power Generating, Inc., and the surrounding area, located in the Town of Badin in Stanly County. This act is effective when it becomes law.*

BILL ANALYSIS:

The act would direct the Program Evaluation Division to study the progress of cleanup and the Department of Environment and Natural Resources' handling of contamination at the facility owned by Alcoa Power Generating, Inc., and the surrounding area, located in the Town of Badin in Stanly County.

The Program Evaluation Division is directed to submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee and the Environmental Review Commission no later than February 1, 2012.

EFFECTIVE DATE: This act is effective when it becomes law.

S626-SMRK-81(CSRK-56) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

S

D

**SENATE BILL 661
PROPOSED COMMITTEE SUBSTITUTE S661-PCS55300-RK-57**

Short Title: License Plate Agency Contracts.

(Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE
3 DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE
4 ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP
5 OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING
6 EFFICIENCY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The Program Evaluation Division of the General Assembly shall
9 study and evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of
10 Plates and Certificates program, authorized in G.S. 20-63(h), to determine the cost-
11 effectiveness and savings that can be effected by changing or maintaining the current operating
12 procedures and to develop any plans or practices that, if implemented, would result in increased
13 operating efficiency of the Division of Motor Vehicles' Commission Contract program.

14 **SECTION 2.** The Program Evaluation Division shall submit its findings and
15 recommendations for Section 1 of this act to the Joint Legislative Program Evaluation
16 Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal
17 Research Division at a date to be determined by the Joint Legislative Program Evaluation
18 Oversight Committee. The Joint Legislative Program Evaluation Oversight Committee shall
19 submit any recommendations based upon the study to the 2012 Regular Session of the 2011
20 General Assembly.

21 **SECTION 3.** The Commissioner of Motor Vehicles shall not cancel any
22 Commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of
23 the Commission contractor until the 2011 General Assembly adjourns sine die.

24 **SECTION 4.** This act is effective when it becomes law.





SENATE BILL 661: License Plate Agency Contracts

2011-2012 General Assembly

Committee:	Senate Program Evaluation	Date:	May 9, 2011
Introduced by:	Sen. Bingham	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition S661-CSRK-57		Committee Counsel

SUMMARY: *This act directs the Program Evaluation Division of the General Assembly to study and evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program. This act is effective when it becomes law.*

[As introduced, this bill was identical to H763, as introduced by Rep. Lewis, which is currently in Rules, Calendar, and Operations of the House.]

BILL ANALYSIS:

This act directs the Program Evaluation Division to study and evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program. The purposes of the study would be:

- To determine the cost-effectiveness and savings that can be effected by changing or maintaining the current operating procedures, and
- To develop any plans or practices that would result in increased operating efficiency of the Division of Motor Vehicles' Commission Contract program.

[The authority for the Contract program is contained at G.S. 20-63(h), (h1), and (h2), which are printed on the reverse side.]

- The Program Evaluation Division is required to submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.
- The act also prohibits the Commissioner of Motor Vehicles from cancelling any Commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of the Commission contractor until the study is complete and final recommendations have been acted upon by the Joint Legislative Program Evaluation Oversight Committee.

EFFECTIVE DATE: This act is effective when it becomes law.

S661-SMRK-80(e1) v1

Senate PCS 661

Page 2

(h) **Commission Contracts for Issuance of Plates and Certificates.** – All registration plates, registration certificates, and certificates of title issued by the Division, outside of those issued from the Charlotte and Raleigh offices of the Division and those issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of the plates and certificates in localities throughout North Carolina with persons, firms, corporations or governmental subdivisions of the State of North Carolina. The Division shall make a reasonable effort in every locality, except as noted above, to enter into a commission contract for the issuance of the plates and certificates and a record of these efforts shall be maintained in the Division. In the event the Division is unsuccessful in making commission contracts, it shall issue the plates and certificates through the regular employees of the Division. Whenever registration plates, registration certificates, and certificates of title are issued by the Division through commission contract arrangements, the Division shall provide proper supervision of the distribution. Nothing contained in this subsection will allow or permit the operation of fewer outlets in any county in this State than are now being operated.

Commission contracts entered into by the Division under this subsection shall provide for the payment of compensation on a per transaction basis. The collection of the highway use tax shall be considered a separate transaction for which one dollar and twenty-seven cents (\$1.27) compensation shall be paid. The performance at the same time of one or more of the remaining transactions listed in this subsection shall be considered a single transaction for which one dollar and forty-three cents (\$1.43) compensation shall be paid.

A transaction is any of the following activities:

- (1) Issuance of a registration plate, a registration card issued without collection of property taxes or fees under G.S. 105-330.5, a registration renewal sticker, or a certificate of title.
- (2) Issuance of a handicapped placard or handicapped identification card.
- (3) Acceptance of an application for a personalized registration plate.
- (4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.
- (5) Cancellation of a title because the vehicle has been junked.
- (6) Acceptance of an application for, or issuance of, a refund for a fee or a tax, other than the highway use tax.
- (7) Receipt of the civil penalty imposed by G.S. 20-311 for a lapse in financial responsibility or receipt of the restoration fee imposed by that statute.
- (8) Acceptance of a notice of failure to maintain financial responsibility for a motor vehicle.
- (8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.
- (8b) Sale of one or more inspection stickers in a single transaction to a licensed inspection station.
- (9) Collection of the highway use tax.
- (10) Acceptance of a temporary lien filing.

(h1) Commission contracts entered into by the Division under this subsection shall also provide for the payment of an additional one dollar (\$1.00) of compensation to commission contract agents for any transaction assessed a fee under subdivision (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), or (a)(9) of G.S. 20-85.

(h2) Upon the closing of the only contract license plate agency in a county, the Division shall as soon as practicable designate a temporary location for the issuance of all registration plates, registration certificates, and certificates of title issued by the Division for that county. The designation shall be posted at the former agency location for not less than 30 days and shall include the street address and telephone number of the temporary location. A former contract agent shall allow the posting of this required notice at the former location for a period of not less than 30 days. A failure to comply with the posting requirements of this section by a former contract agent shall be a Class 3 misdemeanor.



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 661**

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

Page 1 of 1

S661-ARK-53 [v.1]

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

Date _____, 2011

Senator Bingham

1 moves to amend the bill on page 1, line 18, by rewriting the line to read:

2
3 "Oversight Committee. The Joint Legislative Program Evaluation Oversight Committee shall
4 submit any recommendations based upon the study to the 2012 Regular Session of the General
5 Assembly."; and

6
7 moves to amend the bill on page 1, lines 21 through 23, by rewriting the lines to read:

8
9 "the Commission contractor until the 2011 General Assembly adjourns sine die."
10
11
12

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* S 6 6 1 - A R K - 5 3 - V - 1 *

To: Members of the Program Evaluation Committee

From: NC Association of Motor Vehicle Registration Contracts, Inc.

Date: May 10 2011

Re: S661 – License Plate Agency Contracts

This bill introduced by Sen. Stan Bingham (and H763 introduced by Rep. David Lewis) is in response to the announced plan of the Commissioner of Motor Vehicles to cancel the existing and valid contracts of some 85 License Tag Agents across the State on June 30, 2011.

The services we provide the citizens of NC cannot be interrupted nor can the flow of cash we deposit into the account of the State Treasurer be stopped. We provide a mandated service to our citizens and we are compensated at between 1 – 2% of our gross collections. We are a value the State of NC cannot afford to discontinue!

The purpose of the study is to look at the DMV Commission Contract program rationally and impartially. If changes are to be made, they should be done in such a manner that the service to the public is not interrupted, the cash flow to the State is not shut off and a few hundred people are not put out of work.

Our Association respectfully requests you to assess the merits of this bill, and we hope, you will vote in favor of the bill. We look forward to working with the Committee as they conduct their study.

Prepared by:

Patti Smithson

Legislative Committee Co-Chair

pdsmithson@bizec.rr.com

910-262-7166

PAGES ATTENDING

COMMITTEE: Program Evaluation ROOM: 421

DATE: 5-10 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
① Alexis McDonald	Raleigh	Phil Berger
② Ashton Herring	Calypso	Brent Jackson ^{421 LOB}
4		
5		
6		
7		
8		
9		
10		

No not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CECIL HARGETT	NC LICENSE PLATE AGENCY JACKSONVILLE, N.C.
Donna Boone	NCDMV/DOT
Lisa Martin	NC Home Builders
Patti Smithson	License Tag Ag. - Wilmington
DAN JOHNSTON, JR	LICENSE TAG AGENT RENOVA
ZEB ALLEY	NMRS
Jimmy Miller	NCA MVRC
May Marie Aziz	SELC
W. P. "Doc" Egan	License Tag Agency - Durham, NC
Rebecca Smith	License Tag Office - Asheboro, NC
Bob Fournier	NCEA
Sara Stuckey	Rural Center
Kellie Sloger	JLF

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matt McLaughly	Civitas
Mark J. Jones	UNC-TV
Farmst William	Governor's Office
Doug Herold	Williams Mullen
Angie Harter	WM
Chuck Neely	WM
Tom Slobbin	TSS
DANIEL BAUM	TROUTMAN SANDERS
Bennie C Green	Tax Agents Association
Lou Patton	Tax Agents Association
Gindy Wease	Tax Agent Association
Pick Hamilton	NCWF
Milly Diggs	Siana dia

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Preston Howard	MCIC
George Everett	Duke Energy
Katie Stanley	Commerce
Rita Harris	Commerce
Dan Hylman	Imperial
DAVID BARNES	PS
Jim Johnson	BSA
Kathryn Westcott	ACEC/NC
John Bracken Comm	Capitol
BRUCE THOMPSON	PARKER POET
Kenn Blunk	UW
Betsy Bailey	PERC
BERRY JENKINS	CAROLINAS AGC

Jon Carr
Matt Brown

Jordan Price
re notes, ~~Re~~ ~~Ed~~ Comm.

SENATE PROGRAM EVALUATION COMMITTEE
Tuesday, June 7, 2011 at 12:00 Noon
Room 421, Legislative Office Building

MINUTES

The Senate Program Evaluation Committee met at 12:00 Noon on June 7, 2011, in Room 421 of the Legislative Office Building. 12 members of the committee were present. Senator Debbie Clary presided.

Call to Order

Senator Debbie Clary called the meeting to order at 12:05 p.m. She explained that two bills would be heard and then the meeting would recess and the Joint Program Evaluation would meet. Once the Joint committee meeting heard recommendations and adjourned, the Senate would reconvene and vote on the Senate Bill 409.

Reports and Appearances

Senator Debbie Clary recognized Rep. Justin Burr to speak on House Bill 595, Reorganization/Legislative Oversight Comns.

Senator Burr explained that SB 595 consolidates some the functions at the General Assembly and the bill reorganizes some of the Legislative Oversight Committees, reducing them from 29 to 16 statutory committees. Senator Tillman moved to amend the bill on page 15, line 7. Senator Tillman made a motion to approve the amendment. All voted in favor of the amendment and it passed. A second Amendment was brought forth by Representative Burr who explained it was a technical correction brought forth by Staff.

Senator Debbie Clary opened the floor to questions and comments. Senator McKissick, Senator Purcell and Senator Tillman were recognized for questions and clarifications.

Senator Tillman made a Motion for a favorable report. All voted in favor and the amendments were rolled into a Proposed Committee Substitute. Senator Apodaca was recognized to handle the bill when it reached the Senate floor.

Senator Clary recognized Senators Soucek and Brock to come forth and speak about Senate Bill 593, Abolish Andrew Jackson Committee (Government Reduction Act). Senator Tillman made a motion to adopt the PCS and all were in favor. Senator Soucek explained that the bill eliminated Boards, Commissions and Committees in order to reduce the size of Government and do things more efficiently. A handout explaining the PCS for S593 was handed out, is attached and included in the minutes.

Senator Clary opened the floor to questions.

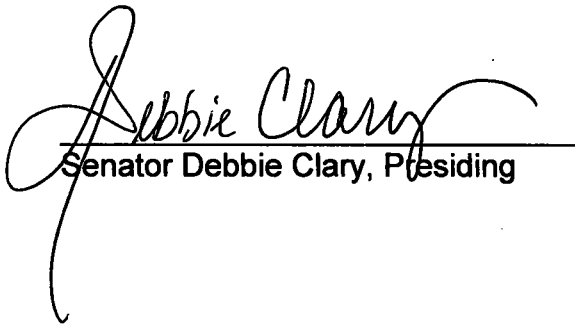
Senator Gunn and Senator McKissick asked for clarifications. Senator Tillman moved for a favorable report on the PCS and it was accepted. All voted in favor.

Senator Clary recessed the meeting in order to convene the Joint Program Evaluation meeting and took a five minute break.

The Senate Program Evaluation Committee reconvened after the Joint meeting adjournment at 1:15 p.m. A motion was made by Senator Pate to approve the PCS. It was voted on and passed unanimously.

Adjournment

With no further business before the committee, the committee adjourned at 1:19 p.m.


Senator Debbie Clary, Presiding


Lynn Tennant, Committee Clerk

Senate Program Evaluation Committee
Tuesday, June 7, 2011, 12:00 Noon
421 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 595	Reorganization/Legislative Oversight Comns.	Representative Barnhart
		Representative Burr
SB 593	Abolish Andrew Jackson Committee.	Senator Brock
		Senator Soucek
		Senator Clary

Adjournment

Adjourn 12:25

ATTENDANCE

Committee: PROGRAM EVALUATION COMMITTEE

NAMES:	DATES
Sen. Bob Atwater	6/7/
Sen. Stan Bingham	
Sen. Daniel Clodfelter	
Sen. Don East	
Sen. Rick Gunn	✓
Sen. Ralph Hise, Jr.	✓
Sen. Neal Hunt	✓
Sen. Eric L. Mansfield	✓
Sen. Floyd McKissick, Jr.	✓
Sen. Martin L. Nesbitt, Jr.	
Sen. Louis M. Pate, Jr.	✓
Sen. Jean Preston	
Sen. William R. Purcell	✓
Sen. David Rouzer	
Sen. Bill Rabon	✓
Sen. Jerry W. Tillman	✓
Sen. Stan M. White	
Sen. Debbie Clary, CHAIR	✓
Sen. Fletcher Hartsell, Vice-Chair	✓
Pays	

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**PROGRAM EVALUATION COMMITTEE REPORT
Senator Debbie A. Clary, Chair**

Tuesday, June 07, 2011

Senator CLARY,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B.	409	Global TransPark PED Study.	
		Draft Number:	pcs35262
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

S.B.	593	Abolish Andrew Jackson Committee.	
		Draft Number:	pcs15171
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE
SUBSTITUTE BILL**

H.B.	595	Reorganization/Legislative Oversight Comns.	
		Draft Number:	80254
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

Senator Apodaca will speak on HB595

Daily Bulletin

School of Government

The University of North Carolina at Chapel Hill

Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601
Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

April 4, 2011

H 595. REORGANIZATION/LEGISLATIVE OVERSIGHT COMNS. Filed 4/4/11. *CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES.*

As title indicates. Makes changes to the following legislative committees and commissions: Legislative Services Commission; Joint Legislative Commission on Governmental Operations Joint Regulatory Reform Committee Joint Legislative Oversight Committee on Justice and Public Safety Joint Legislative Education Oversight Committee; Joint Legislative Oversight Committee on Health and Human Services Joint Legislative Transportation Oversight Committee Joint Legislative Oversight Committee on Local Government Joint Legislative Economic Development Oversight Committee and Environmental Review Commission. Makes conforming statutory changes.

Intro. by Barnhart, Burr.

GS 7A, 15A, 58, 62, 62A, 93B, 95, General Assembly
108A, 113, 120, 122C, 130A,
131D, 131E, 143, 143B, 147,
148, 150B, 159B

April 14, 2011

H 595. REORGANIZATION/LEGISLATIVE OVERSIGHT COMNS. Filed 4/4/11. House amendment makes the following changes to 1st edition.

Amends GS 120-76 to add seven specified powers related to seafood and aquaculture to the list of Joint Legislative Commission on Governmental Operation's powers.

General Assembly

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

2

HOUSE BILL 595
Second Edition Engrossed 4/14/11

Short Title: Reorganization/Legislative Oversight Comns. (Public)

Sponsors: Representatives Barnhart and Burr (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 5, 2011

1 A BILL TO BE ENTITLED
2 AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES
3 AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES
4 AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING
5 THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND
6 COMMISSIONS, AND MAKING CONFORMING CHANGES.

7 The General Assembly of North Carolina enacts:

8
9 PART I. REORGANIZATION AND CONSOLIDATION OF LEGISLATIVE
10 OVERSIGHT COMMITTEES

11
12 LEGISLATIVE SERVICES COMMISSION

13 SECTION 1.1.(a) G.S. 120-31 reads as rewritten:

14 "§ 120-31. Legislative Services Commission organization.

15 (a) The Legislative Services Commission shall consist of the President pro tempore of
16 the Senate, ~~Senate or a Senator designated by the President Pro Tempore, seven-four~~ Senators
17 appointed by the President pro tempore of the Senate, the Speaker of the House of
18 Representatives, ~~Representatives or a member of the House of Representatives designated by~~
19 ~~the Speaker,~~ and ~~seven-four~~ Representatives appointed by the Speaker of the House of
20 Representatives. The President pro tempore of the Senate, and the Speaker of the House shall
21 serve until the selection and qualification of their respective successors as officers of the
22 General Assembly. The initial appointive members shall be appointed after the date of
23 ratification of this Article and each shall serve for the remainder of his elective term of office
24 and until his successor is appointed or until he ceases to be a member of the General Assembly,
25 whichever occurs first. A vacancy in one of the appointive positions shall be filled in the same
26 manner that the vacated position was originally filled, and the person so appointed shall serve
27 for the remainder of the unexpired term of the person whom he succeeds. In the event the office
28 of Speaker becomes vacated, the ~~seven-four~~ Representatives shall elect one of themselves to
29 perform the duties of the Speaker as required by this Article. In the event the office of President
30 pro tempore becomes vacated, the ~~seven-four~~ Senators shall elect one of themselves to perform
31 the duties of President pro tempore as required by this Article. Members so elevated shall
32 perform the duties required by this Article until a Speaker or a President pro tempore is duly
33 elected by the appropriate house.

34 (b) The President pro tempore of the Senate or his designee from the Commission
35 membership shall be the chairman of the Commission in odd-numbered years and the Speaker



* H 5 9 5 - V - 2 *

of the House of Representatives or his designee from the Commission membership shall be chairman of the Commission in even-numbered years.

(c) The Commission may elect from its membership such other officers as it deems appropriate, and may appoint other members of the General Assembly to serve on any committee of the Commission.

(d) The Commission may adopt rules governing its own organization and proceedings.

(e) Members of the Commission, when the General Assembly is not in session, shall be reimbursed for subsistence and travel allowance as provided for members of the General Assembly when in session for such days as they are engaged in the performance of their duties.

(f) In any case where any provision of law or any rule of the Legislative Services Commission required approval of any action by the Legislative Services Commission, approval of that action by the President Pro Tempore of the Senate and by the Speaker of the House of Representatives constitutes approval of the Commission."

SECTION 1.1.(b) The terms of the current appointed members of the Legislative Services Commission terminate when this act becomes law.

JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

SECTION 1.2.(a) The duties of the following committees and commissions are transferred to the Joint Legislative Commission on Governmental Operations:

- (1) Joint Legislative Oversight Committee on Capital Improvements.
- (2) Joint Legislative Commission on Future Strategies for North Carolina.
- (3) Joint Select Committee on Low-Level Radioactive Waste.
- (4) Legislative Committee on New Licensing Boards.
- (5) Joint Legislative Commission on Seafood and Aquaculture.
- (6) Joint Legislative Utility Review Commission.

SECTION 1.2.(b) The following portions of Chapter 120 of the General Statutes are repealed:

- (1) G.S. 120-70.1 through G.S. 120-70.6, (Article 12A, pertaining to the Joint Legislative Utility Review Commission).
- (2) G.S. 120-70.31 through G.S. 120-70.37, (Article 12C, pertaining to the Joint Select Committee on Low-Level Radioactive Waste).
- (3) G.S. 120-70.60 through G.S. 120-70.66, (Article 12F, pertaining to the Joint Legislative Commission on Seafood and Aquaculture).
- (4) G.S. 120-84.6 through G.S. 120-84.12, (Article 13B, pertaining to the Joint Legislative Commission on Future Strategies for North Carolina).
- (5) G.S. 120-149.1 through G.S. 120-149.6, (Article 18A, pertaining to the Legislative Committee on New Licensing Boards).
- (6) G.S. 120-258 through G.S. 120-260, (Article 29, pertaining to the Joint Legislative Oversight Committee on Capital Improvements).

SECTION 1.2.(c) G.S. 120-74 reads as rewritten:

"§ 120-74. Appointment of members; terms of office.

The Commission shall consist of ~~38-42~~ members. The President pro tempore of the Senate, the Speaker pro tempore of the House, the Deputy President pro tempore of the Senate, the Majority Leader of the House of Representatives, and the Majority Leader of the Senate and the Speaker of the House shall serve as ex officio members of the Commission. The Speaker of the House of Representatives shall appoint ~~16-21~~ members from the ~~House~~ House, at least five of whom are members of the minority party. The President pro tempore of the Senate shall appoint ~~16-21~~ members from the ~~Senate~~ Senate, at least five of whom are members of the minority party. Vacancies created by resignation or otherwise shall be filled by the original appointing authority. Members shall serve two-year terms beginning and ending on January 15 of the odd-numbered years. Members shall not be disqualified from completing a term of

1 service on the Commission because they fail to run or are defeated for reelection. Resignation
2 or removal from the General Assembly shall constitute resignation or removal from
3 membership on the Commission."

4 **SECTION 1.2.(d)** G.S. 120-76 reads as rewritten:

5 **"§ 120-76. Powers and duties of the Commission.**

6 The Commission shall have the following powers:

- 7 (1) To conduct program evaluation studies of the various components of State
8 agency activity as they relate to:
 - 9 a. Service benefits of each program relative to expenditures;
 - 10 b. Achievement of program goals;
 - 11 c. Use of indicators by which the success or failure of a program may
12 be gauged; and
 - 13 d. Conformity with legislative intent.
- 14 (2) To study legislation which would result in new programs with statewide
15 implications for feasibility and need. These studies may be jointly conducted
16 with the Fiscal Research Division of the Legislative Services Commission.
- 17 (3) To study on a continuing basis the implementation of State government
18 reorganization with respect to:
 - 19 a. Improvements in administrative structure, practices and procedures;
 - 20 b. The relative effectiveness of centralization and decentralization of
21 management decisions for agency operation;
 - 22 c. Opportunities for effective citizen participation; and
 - 23 d. Broadening of career opportunities for professional staff.
- 24 (4) To make such studies and reports of the operations and functions of State
25 government as it deems appropriate or upon petition by resolution of either
26 the Senate or the House of Representatives.
- 27 (5) To produce routine written reports of findings for general legislative and
28 public distribution. Special attention shall be given to the presentation of
29 findings to the appropriate committees of the Senate and the House of
30 Representatives. If findings arrived at during a study have a potential impact
31 on either the finance or appropriations deliberations, such findings shall
32 immediately be presented to the committees. Such reports shall contain
33 recommendations for appropriate executive action and when legislation is
34 considered necessary to effect change, draft legislation for that purpose may
35 be included. Such reports as are submitted shall include but not be limited to
36 the following matters:
 - 37 a. Ways in which the agencies may operate more economically and
38 efficiently;
 - 39 b. Ways in which agencies can provide better services to the State and
40 to the people; and
 - 41 c. Areas in which functions of State agencies are duplicative,
42 overlapping, or failing to accomplish legislative objectives, or for
43 any other reason should be redefined or redistributed.
- 44 (6) To devise a system, in cooperation with the Fiscal Research Division of the
45 Legislative Services Commission, whereby all new programs authorized by
46 the General Assembly incorporate an evaluation component. The results of
47 such evaluations may be made to the Appropriations Committees at the
48 beginning of each regular session.
- 49 (7) To evaluate and approve or deny requests from the Department of
50 Transportation regarding the funding of federally eligible construction
51 projects as provided in the fourth paragraph of G.S. 136-44.2.

- 1 (8) The Joint Legislative Commission on Governmental Operations shall be
2 consulted by the Governor before the Governor does any of the following:
3 a. Repealed by Session Laws 2007-117, s. 2, effective July 1, 2007.
4 b. Authorizes expenditures in excess of the total requirements of a
5 purpose or program as enacted by the General Assembly and as
6 provided by G.S. 143C-6-4.
7 c. Proceeds to reduce programs subsequent to a reduction of ten percent
8 (10%) or more in the federal fund level certified to a department and
9 any subsequent changes in distribution formulas.
10 d. Takes extraordinary measures under Article III, Section 5(3) of the
11 Constitution to effect necessary economies in State expenditures
12 required for balancing the budget due to a revenue shortfall,
13 including, but not limited to, the following: loans among funds,
14 personnel freezes or layoffs, capital project reversions, program
15 eliminations, and use of reserves. However, if the Committee fails to
16 meet within 10 calendar days of a request by the Governor for its
17 consultation, the Governor may proceed to take the actions he feels
18 are appropriate and necessary and shall then report those actions at
19 the next meeting of the Commission.
20 e. Approves a new capital improvement project funded from gifts,
21 grants, receipts, special funds, self-liquidating indebtedness, and
22 other funds or any combination of funds for the project not
23 specifically authorized by the General Assembly. The budget for
24 each capital project must include projected revenues in an amount
25 not less than projected expenditures.
- 26 (9) To examine, on a continuing basis, capital improvements approved and
27 undertaken for State facilities and institutions and to have oversight over
28 implementation of the six-year capital improvements plan developed
29 pursuant to G.S. 143C-8-5.
- 30 (10) To establish a subcommittee to evaluate the need for any new licensing
31 board by establishing criteria and procedures for reviewing proposed
32 licensing boards. To assure that no new licensing board shall be established
33 unless the following criteria are met:
34 a. The unregulated practice of the profession or occupation can
35 substantially harm or endanger the public health, safety, or welfare,
36 and the potential for such harm is recognizable and not remote or
37 dependent upon tenuous argument.
38 b. The profession or occupation possesses qualities that distinguish it
39 from ordinary labor.
40 c. Practice of the profession or occupation requires specialized skill or
41 training.
42 d. A substantial majority of the public does not have the knowledge or
43 experience to evaluate whether the practitioner is competent.
44 e. The public is not effectively protected by other means.
45 f. Licensure will not have a substantial adverse economic impact upon
46 consumers of the practitioner's goods or services.
- 47 (11) To evaluate the North Carolina Utilities Commission, by doing the
48 following:
49 a. Reviewing the actions of the North Carolina Utilities Commission,
50 including the review of its interim and final orders, to the end that the
51 members of the General Assembly may better judge whether these

- 1 actions serve the best interest of the citizens of North Carolina,
2 individual and corporate.
- 3 b. Inquiring into the role of the North Carolina Utilities Commission,
4 the Public Staff, and the several utility companies in the development
5 of alternate sources of energy.
- 6 c. Submitting evaluations to the General Assembly, from time to time,
7 of the performance of the North Carolina Utilities Commission, the
8 Public Staff, and the various utilities operating in the State. A
9 proposed draft of such evaluations shall be submitted to the North
10 Carolina Utilities Commission, the Public Staff, and the affected
11 public utilities prior to submission to the General Assembly, and the
12 affected entity shall be given an opportunity to be heard before the
13 Commission prior to the completion of the evaluation and its
14 submission to the General Assembly.
- 15 (12) To make reports and recommendations to the General Assembly, from time
16 to time, on matters relating to the powers and duties set out in this section.
- 17 (13) To review and evaluate changes in federal law and regulations, relevant
18 court decisions, and changes in technology affecting any of the duties of the
19 Commission.
- 20 (14) To review and evaluate changes in federal law and regulation, or changes
21 brought about by court actions, as well as changes in technology affecting
22 any of the duties of the Commission, to determine whether the State's laws
23 require modification as a result of those changes.
- 24 (15) With regard to seafood and aquaculture:
- 25 a. To monitor and study the seafood industry in North Carolina
26 including studies of the feasibility of increasing the State's
27 production, processing, and marketing of seafood.
- 28 b. To study the potential for increasing the role of aquaculture in all
29 regions of the State.
- 30 c. To evaluate the feasibility of creating a central permitting office for
31 fishing and aquaculture matters.
- 32 d. To evaluate actions of the Division of Marine Fisheries of the
33 Department of Environment and Natural Resources, the Wildlife
34 Resources Commission of the Department of Environment and
35 Natural Resources and of any other State or local government agency
36 as such actions relate to the seafood and aquaculture industries.
- 37 e. To make recommendations regarding regulatory matters relating to
38 the seafood and aquaculture industries including, but not limited to
39 evaluating the necessity to substantially increase penalties for
40 trespass and theft of shellfish and other aquaculture products.
- 41 f. To review and evaluate changes in federal law and regulations,
42 relevant court decisions, and changes in technology affecting the
43 seafood and aquaculture industries.
- 44 g. To review existing and proposed State law and rules affecting the
45 seafood and aquaculture industries and to determine whether any
46 modification of law or rules is in the public interest."

47 SECTION 1.2.(e) G.S. 120-76.1 reads as rewritten:

48 "§ 120-76.1. Prior consultation with the ~~Commission~~ Commission; reporting
49 requirements.

50 (a) Consultation by Governor. – Notwithstanding the provisions of G.S. 120-76(8) or
51 any other provision of law requiring prior consultation by the Governor with the Commission,

1 whenever an expenditure is required because of an emergency that poses an imminent threat to
2 public health or public safety, and is either the result of a natural event, such as a hurricane or a
3 flood, or an accident, such as an explosion or a wreck, the Governor may take action without
4 consulting the Commission if the action is determined by the Governor to be related to the
5 emergency. The Governor shall report to the Commission on any expenditures made under this
6 subsection no later than 30 days after making the expenditure and shall identify in the report the
7 emergency, the type of action taken, and how it was related to the emergency.

8 (b) Consultation by Agencies, Boards, and Commission. – Any agency, board,
9 commission, or other entity required under G.S. 120-76(8) or any other provision of law to
10 consult with the Commission prior to taking an action shall submit a detailed report of the
11 action under consideration to the Chairs of the Commission, the Commission Assistant, and the
12 Fiscal Research Division of the General Assembly. If the Commission does not hold a meeting
13 to hear the consultation within 90 days of receiving the submission of the detailed report, the
14 consultation requirement is satisfied. With regard to capital improvement projects of The
15 University of North Carolina, if the Commission does not hold a meeting to hear the
16 consultation within 30 days of receiving the submission of the detailed report, the consultation
17 requirement of G.S. 120-76(8)e. is satisfied.

18 (c) Exemptions. – Consultations regarding the establishment of new fees and charges
19 and the increase of existing fees and charges are governed by G.S. 12-3.1, and this section does
20 not apply to those consultations."
21

22 JOINT REGULATORY REFORM COMMITTEE

23 SECTION 1.3.(a) The duties of the Joint Legislative Administrative Procedures
24 Oversight Committee are transferred to the Joint Regulatory Reform Committee.

25 SECTION 1.3.(b) Article 12K of Chapter 120 of the General Statutes,
26 G.S. 120-70.100 through G.S. 120-70.102, is repealed.

27 SECTION 1.3.(c) Section 3 of Resolution 2011-2 reads as rewritten:

28 "SECTION 3. Powers. – The Joint Regulatory Reform Committee has the following
29 powers and duties:

- 30 (1) Hold meetings and receive input from the public, regulated community, and
31 agencies regarding outdated, unnecessary, unduly burdensome, or vague
32 rules and rule-making procedures that are an impediment to private sector
33 job creation.
- 34 (2) Evaluate the reform suggestions presented during the public comment
35 process and determine which warrant introduction and consideration during
36 the 2011 Session of the General Assembly in 2011 or 2012.
- 37 (3) Review the rule-making process to determine if the procedures for adopting
38 rules give adequate consideration to the potential impact on job creation.
- 39 (3a) Review rules to which the Rules Review Commission has objected to
40 determine if statutory changes are needed to enable the agency to fulfill the
41 intent of the General Assembly.
- 42 (3b) Receive reports prepared by the Rules Review Commission containing the
43 text and a summary of each rule approved by the Commission.
- 44 (3c) Review the activities of State occupational licensing boards to determine if
45 the boards are operating in accordance with statutory requirements and if the
46 boards are still necessary to achieve the purposes for which they were
47 created. This review shall not include decisions concerning board personnel
48 matters or determinations on individual licensing applications or individual
49 disciplinary actions.

(3d) Review State regulatory programs to determine if the programs overlap, have conflicting goals, or could be simplified and still achieve the purpose of the regulation.

(4) Report to the General Assembly concerning any recommendations for statutory changes."

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

SECTION 1.4.(a) The duties of the Joint Legislative Committee on Domestic Violence are transferred to the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 1.4.(b) Article 30 of Chapter 120 of the General Statutes, G.S. 120-265 through G.S. 120-267, is repealed.

SECTION 1.4.(c) Article 12J of Chapter 120 of the General Statutes reads as rewritten:

"Article 12J.

"~~Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee on Justice and Public Safety.

"§ 120-70.93. Creation and membership of Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee on Justice and Public Safety.

The Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee~~ on Justice and Public Safety is established. The Committee consists of ~~46~~ 22 members as follows:

- (1) ~~Eight~~ Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least ~~two~~ three of whom are members of the minority party; and
- (2) ~~Eight~~ Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"§ 120-70.94. Purpose and powers of Committee.

(a) The Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee~~ on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

- (1) Study the budget, programs, and policies of the Departments of Correction, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention to determine ways in which the General Assembly may improve the effectiveness of those Departments;
- (2) Examine the effectiveness of the Department of Correction in implementing the public policy stated in G.S. 148-26 of providing work assignments and

- 1 employment for inmates as a means of reducing the cost of maintaining the
2 inmate population while enabling inmates to acquire or retain skills and
3 work habits needed to secure honest employment after their release;
- 4 (2a) Examine the effectiveness of the Department of Crime Control and Public
5 Safety in implementing the duties and responsibilities charged to the
6 Department in G.S. 143B-474 and the overall effectiveness and efficiency of
7 law enforcement in the State;
- 8 (2b) Examine the effectiveness of the Department of Juvenile Justice and
9 Delinquency Prevention in implementing the duties and responsibilities
10 charged to the Department in Article 12 of Chapter 143B of the General
11 Statutes and the overall effectiveness and efficiency of the juvenile justice
12 system in the State; and
- 13 ~~(3) Study any other matters that the Committee considers necessary.~~
- 14 (3a) Study and evaluate the funding sources and needs of domestic violence
15 programs providing services to domestic violence victims and programs
16 providing treatment to domestic violence abusers;
- 17 (4) Study legal services funding for domestic violence victims and explore
18 additional sources of funding;
- 19 (5) Explore sources of additional funding for all domestic violence programs,
20 including visitation centers;
- 21 (6) Examine current programs and explore new programs to provide effective
22 services to domestic violence victims and treatment to domestic violence
23 abusers;
- 24 (7) Examine law enforcement and judicial responses to domestic violence;
- 25 (8) Review data collected on domestic violence cases pursuant to
26 G.S. 15A-1382.1;
- 27 (9) Study the effectiveness of the Crime Victims Rights Act as it relates to
28 domestic violence; and
- 29 (10) Study any other matter that the Committee considers necessary.

30 (b) The Committee may make interim reports to the General Assembly on matters for
31 which it may report to a regular session of the General Assembly. A report to the General
32 Assembly may contain any legislation needed to implement a recommendation of the
33 Committee.

34 **"§ 120-70.95. Organization of Committee."**

35 (a) The President Pro Tempore of the Senate and the Speaker of the House of
36 Representatives shall each designate a cochair of the Joint Legislative ~~Corrections, Crime~~
37 ~~Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee on Justice and Public
38 Safety. The Committee shall meet at least once a quarter and may meet at other times upon the
39 joint call of the cochairs.

40 (b) A quorum of the Committee is nine members. No action may be taken except by a
41 majority vote at a meeting at which a quorum is present. While in the discharge of its official
42 duties, the Committee has the powers of a joint committee under G.S. 120-19 and
43 G.S. 120-19.1 through G.S. 120-19.4.

44 (c) Members of the Committee receive subsistence and travel expenses as provided in
45 G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance
46 with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services
47 Officer, shall assign professional staff to assist the Committee in its work. Upon the direction
48 of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the
49 House of Representatives shall assign clerical staff to the Committee. The expenses for clerical
50 employees shall be borne by the Committee."
51

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

SECTION 1.5.(a) The duties of the Legislative Study Commission on Children and Youth are transferred to the Joint Legislative Education Oversight Committee.

SECTION 1.5.(b) Article 24 of Chapter 120 of the General Statutes, G.S. 120-215 through G.S. 120-221, is repealed.

SECTION 1.5.(c) G.S. 120-70.80 reads as rewritten:

"§ 120-70.80. Creation and membership of Joint Legislative Education Oversight Committee.

The Joint Legislative Education Oversight Committee is established. The Committee consists of 22 members as follows:

- (1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least ~~two~~ three of whom are members of the minority party; and
- (2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

SECTION 1.5.(d) G.S. 120-70.81 reads as rewritten:

"§ 120-70.81. Purpose and powers of Committee.

(a) The Joint Legislative Education Oversight Committee shall examine, on a continuing basis, the several educational institutions in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve public education from kindergarten through higher education. In this examination, the Committee ~~shall~~ may:

- (1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the Community Colleges System Office, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;
- (2) Examine, in particular, the Basic Education Plan and the School Improvement and Accountability Act of 1989, to determine whether changes need to be built into the plans, whether implementation schedules need to be restructured, and how to manage the ongoing development of the policies underlying these legislative plans, including a determination of whether there is a need for the legislature to develop ongoing funding patterns for these plans;
- (3) Study other states' educational initiatives in public schools, community colleges, and public universities, in order to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and
- (4) Study any other educational matters that the Committee considers necessary to fulfill its mandate.
- (5) Study the needs of children and youth. This study may include, but is not limited to:

- a. Determining the adequacy and appropriateness of services:
 1. To children and youth receiving child welfare services;
 2. To children and youth in the juvenile court system;
 3. Provided by the Division of Social Services and the Department of Juvenile Justice and Delinquency Prevention;
 4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.
 - b. Developing methods for identifying and providing services to children and youth not receiving but in need of child welfare services, children and youth at risk of entering the juvenile court system, and children and youth exposed to domestic violence situations.
 - c. Developing strategies for addressing the issues of school dropout, teen suicide, and adolescent pregnancy.
 - d. Identifying and evaluating the impact on children and youth of other economic and environmental issues.
 - e. Identifying obstacles to ensuring that children who are in secure or nonsecure custody are placed in safe and permanent homes within a reasonable period of time and recommending strategies for overcoming those obstacles. The Commission shall consider what, if anything, can be done to expedite the adjudication and appeal of abuse and neglect charges against parents so that decisions may be made about the safe and permanent placement of their children as quickly as possible.
- (6) Evaluate problems associated with juveniles who are beyond the disciplinary control of their parents, including juveniles who are runaways, and develop solutions for addressing the problems of those juveniles.
- (7) Identify strategies for the development and funding of a comprehensive statewide database relating to children and youth to facilitate State agency planning for delivery of services to children and youth.
- (b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee."

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES

SECTION 1.6.(a) The duties of the following commissions and committees are transferred to the Joint Legislative Oversight Committee on Health and Human Services, established by subsection (c) of this section:

- (1) North Carolina Study Commission on Aging.
- (2) Joint Legislative Health Care Oversight Committee.
- (3) Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.
- (4) Public Health Study Commission.

SECTION 1.6.(b) The following portions of Chapter 120 of the General Statutes are repealed:

- (1) G.S. 120-70.110 through G.S. 120-70.112, (Article 12M, pertaining to the Joint Legislative Health Care Oversight Committee).

- (2) G.S. 120-180 through G.S. 120-188, (Article 21, pertaining to the North Carolina Study Commission on Aging).
- (3) G.S. 120-195 through G.S. 120-203, (Article 22, pertaining to the Public Health Study Commission).
- (4) G.S. 120-240 through G.S. 120-244, (Article 27, pertaining to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services).

SECTION 1.6.(c) Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 23A.

"Joint Legislative Oversight Committee on Health and Human Services.

"§ 120-208. Creation and membership of Joint Legislative Oversight Committee on Health and Human Services.

(a) The Joint Legislative Oversight Committee on Health and Human Services is established. The Committee consists of 22 members as follows:

- (1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least three of whom are members of the minority party; and
- (2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

(b) Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

(c) A member continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"§ 120-208.1. Purpose and powers of Committee.

(a) The Joint Legislative Oversight Committee on Health and Human Services shall examine, on a continuing basis, the systemwide issues affecting the development, budgeting, financing, administration, and delivery of health and human services, including issues relating to the governance, accountability, and quality of health and human services delivered to individuals and families in this State. The Committee shall make ongoing recommendations to the General Assembly on ways to improve the quality and delivery of services and to maintain a high level of effectiveness and efficiency in system administration at the State and local levels. In conducting its examination, the Committee shall do all of the following:

- (1) Study the budgets, programs, and policies of each Division within the Department of Health and Human Services, to determine ways in which the General Assembly may encourage improvement in the budgeting and delivery of health and human services provided to North Carolinians.
- (2) Examine, in particular, issues relating to services provided by the following Divisions within the Department of Health and Human Services:
- a. Aging and Adult Services.
- b. Medical Assistance.
- c. Mental Health, Developmental Disabilities, and Substance Abuse Services.
- d. Public Health.
- e. Social Services.
- (3) Study other states' health and human services initiatives, in order to provide an ongoing commentary to the General Assembly on these initiatives and to

1 make recommendations for implementing similar initiatives in North
2 Carolina; and

3 (4) Study any other health and human services matters that the Committee
4 considers necessary to fulfill its mandate.

5 (b) The Committee may make interim reports to the General Assembly on matters for
6 which it may report to a regular session of the General Assembly. A report to the General
7 Assembly may contain any legislation needed to implement a recommendation of the
8 Committee.

9 **"§ 120-208.2. Organization of Committee.**

10 (a) The President Pro Tempore of the Senate and the Speaker of the House of
11 Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on
12 Health and Human Services. The Committee shall meet at least once per quarter, except while
13 the General Assembly is in regular session, and may meet at other times upon the joint call of
14 the cochairs.

15 (b) A quorum of the Committee is 10 members. No action may be taken except by a
16 majority vote at a meeting at which a quorum is present. While in the discharge of its official
17 duties, the Committee has the powers of a joint committee under G.S. 120-19 and
18 G.S. 120-19.1 through G.S. 120-19.4.

19 (c) Members of the Committee receive subsistence and travel expenses as provided in
20 G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance
21 with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services
22 Officer, shall assign professional staff to assist the Committee in its work. Upon the direction
23 of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the
24 House of Representatives shall assign clerical staff to the Committee. The expenses for clerical
25 employees shall be borne by the Committee.

26 (d) The Committee cochairs may establish subcommittees for the purpose of examining
27 issues relating to services provided by particular Divisions within the Department of Health and
28 Human Services.

29 **"§ 120-208.3. Additional powers.**

30 The Joint Legislative Oversight Committee on Health and Human Services, while in
31 discharge of official duties, shall have access to any paper or document, and may compel the
32 attendance of any State official or employee before the Committee or secure any evidence
33 under G.S. 120-19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the
34 proceedings of the Committee as if it were a joint committee of the General Assembly.

35 **"§ 120-208.4. Reports to Committee.**

36 Whenever a Division within the Department of Health and Human Services is required by
37 law to report to the General Assembly or to any of its permanent, study, or oversight
38 committees or subcommittees on matters affecting that Division, the Department shall transmit
39 a copy of the report to the cochairs of the Joint Legislative Oversight Committee on Health and
40 Human Services."

41
42 **JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE**

43 **SECTION 1.7.(a)** The duties of the Future of the North Carolina Railroad Study
44 Commission are assigned to the Joint Legislative Transportation Oversight Committee.

45 **SECTION 1.7.(b)** Article 28 of Chapter 120 of the General Statutes, G.S. 120-245
46 through G.S. 120-255; is repealed.

47 **SECTION 1.7.(c)** G.S. 120-70.50 reads as rewritten:

48 **"§ 120-70.50. Creation and membership of Joint Legislative Transportation Oversight**
49 **Committee.**

50 The Joint Legislative Transportation Oversight Committee is established. The Committee
51 consists of ~~18~~ 22 members as follows:

- 1 (1) ~~Nine-Eleven~~ members of the Senate appointed by the President Pro Tempore
2 of the Senate, at least ~~two-three~~ of whom are members of the minority party;
3 and
4 (2) ~~Nine-Eleven~~ members of the House of Representatives appointed by the
5 Speaker of the House of Representatives, at least three of whom are
6 members of the minority party.

7 Terms on the Committee are for two years and begin on January 15 of each odd-numbered
8 year, except the terms of the initial members, which begin on appointment. Members may
9 complete a term of service on the Committee even if they do not seek reelection or are not
10 reelected to the General Assembly, but resignation or removal from service in the General
11 Assembly constitutes resignation or removal from service on the Committee.

12 A member continues to serve until his successor is appointed. A vacancy shall be filled
13 within 30 days by the officer who made the original appointment."

14 **SECTION 1.7.(d) G.S. 120-70.51(a) reads as rewritten:**

15 "(a) The Joint Legislative Transportation Oversight Committee may:

- 16 (1) Review reports prepared by the Department of Transportation or any other
17 agency of State government related, in any manner, to transportation, when
18 those reports are required by any law.
19 (2) Monitor the funds deposited in and expenditures from the North Carolina
20 Highway Trust Fund, the Highway Fund, the General Fund, or any other
21 fund when those expenditures are related, in any manner, to transportation.
22 (3) Determine whether funds related, in any manner, to transportation are being
23 spent in accordance with law.
24 (4) Determine whether any revisions are needed in the funding for a program for
25 which funds in the Trust Fund, the Highway Fund, the General Fund, or any
26 other fund when those expenditures are related, in any manner, to
27 transportation may be used, including revisions needed to meet any statutory
28 timetable or program.
29 (4a) Examine the importance of railroads and railroad infrastructure
30 improvements to economic development in North Carolina, including
31 improvements to short-line railroads.
32 (4b) Study issues important to the future of passenger and freight rail service in
33 North Carolina.
34 (4c) Determine methods to expedite property disputes between railroads and
35 private landowners.
36 (4d) Study all aspects of the operation, structure, management, and long-range
37 plans of the North Carolina Railroad.
38 (5) Report to the General Assembly at the beginning of each regular session
39 concerning its determinations of needed changes in the funding or operation
40 of programs related, in any manner, to transportation."
41

42 **JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT**

43 **SECTION 1.8.(a)** Part 1 of Article 20 of Chapter 120 of the General Statutes reads
44 as rewritten:

45 "Article 20.

46 "Joint Legislative ~~Commission-Committee on Municipal Incorporations-Local Government.~~

47 "Part 1. Organization.

48 **"§ 120-157.1. Committee established.**

49 (a) The Joint Legislative Committee on Local Government is established. The
50 Committee shall consist of 14 members, appointed as follows:

- 1 (1) Seven members of the Senate appointed by the President Pro Tempore of the
2 Senate, at least two of whom shall be members of the minority party. At
3 least one member shall be a former city or county commissioner, city or
4 county manager, or other city or county elected official.
- 5 (2) Seven members of the House of Representatives appointed by the Speaker of
6 the House of Representatives, at least two of whom shall be members of the
7 minority party. At least one member shall be a former city or county
8 commissioner, city or county manager, or other city or county elected
9 official.
- 10 (b) Terms on the Committee are for two years and begin on the convening of the
11 General Assembly in each odd-numbered year. Members may complete a term of service on
12 the Committee even if they do not seek reelection or are not reelected to the General Assembly,
13 but resignation or removal from service in the General Assembly constitutes resignation or
14 removal from service on the Committee.
- 15 (c) A member continues to serve until a successor is appointed. A vacancy shall be
16 filled within 30 days by the officer who made the original appointment.
- 17 **"§ 120-157.2. Purpose and powers of Committee.**
- 18 (a) The Joint Legislative Committee on Local Government shall review and monitor
19 local government capital projects that are required to go before the Local Government
20 Commission and require debt to be issued over one million dollars (\$1,000,000), with the
21 exception of schools, jails, courthouses, and administrative buildings. Any project that fits these
22 criteria must be reported to the Committee Chairs, Committee Assistant, and the Fiscal
23 Research Division at least 45 days prior to presentation before the Local Government
24 Commission.
- 25 (b) The Committee may make interim reports to the General Assembly on matters for
26 which it may report to a regular session of the General Assembly. A report to the General
27 Assembly shall include the purpose, scope, debt requirements, financing methods, and
28 repayment plans of any local governmental capital project reviewed pursuant to subsection (a)
29 of this section and may contain any legislation needed to implement a recommendation of the
30 Committee.
- 31 **"§ 120-157.3. Organization of Committee.**
- 32 (a) The President Pro Tempore of the Senate and the Speaker of the House of
33 Representatives shall each designate a cochair of the Joint Legislative Committee on Local
34 Government. The Committee may meet on days when the members of the General Assembly
35 are entitled to subsistence pursuant to G.S. 120-3.1 and may meet at other times upon the joint
36 call of the cochairs.
- 37 (b) A quorum of the Committee is eight members. No action may be taken except by a
38 majority vote at a meeting at which a quorum is present. While in the discharge of its official
39 duties, the Committee has the power of a joint committee under G.S. 120-19 and G.S. 120-19.1
40 through G.S. 120-19.4.
- 41 (c) Members of the Committee may receive subsistence and travel expenses as
42 provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in
43 accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative
44 Services Officer, shall assign professional staff to assist the Committee in its work. Upon the
45 direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and
46 of the House of Representatives shall assign clerical staff to the Committee. The expenses for
47 clerical employees shall be borne by the Committee.
- 48 **"§ 120-157.4. Additional powers.**
- 49 The Joint Legislative Committee on Local Government, while in discharge of official
50 duties, shall have access to any paper or document, and may compel the attendance of any State
51 official or employee before the Committee or secure any evidence under G.S. 120-19. In

1 addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Committee
2 as if it were a joint committee of the General Assembly.

3 **"§ 120-158. Creation of ~~Commission~~ Municipal Incorporations Subcommittee.**

4 (a) ~~There is created the Joint Legislative Commission on Municipal Incorporations,~~
5 ~~referred to in this Article as "Commission".~~ Incorporations Subcommittee of the Joint
6 Legislative Committee on Local Government.

7 (b) The Commission shall consist of six members, appointed as follows:

- 8 (1) ~~Two-Three~~ Senators appointed by the President Pro Tempore of the
9 Senate; Senate, at least one of whom shall be a former city or county
10 commissioner, city or county manager, or other local elected official.
11 (2) ~~Two-Three~~ House members appointed by the Speaker; Speaker of the House
12 of Representatives, at least one of whom shall be a former city or county
13 commissioner, city or county manager, or other local elected official.
14 (3) ~~One city manager or elected city official, appointed by the President Pro~~
15 ~~Tempore of the Senate from a list of three eligible persons nominated by the~~
16 ~~North Carolina League of Municipalities; and~~
17 (4) ~~One county commissioner or county manager, appointed by the Speaker~~
18 ~~from a list of three eligible persons nominated by the North Carolina~~
19 ~~Association of County Commissioners.~~

20 **"§ 120-159. Terms; Terms; meetings.**

21 (a) Members shall be appointed for terms ending June 30, 1987, and subsequently for
22 two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when
23 appointed may continue for the remainder of the term regardless of the member's continued
24 eligibility for the category. The ~~Commission~~ Municipal Incorporations Subcommittee shall
25 elect a ~~chairman~~ chair from its membership for a one-year term.

26 (b) The Subcommittee may meet on days when the members of the General Assembly
27 are entitled to subsistence pursuant to G.S. 120-3.1 and may meet at other times upon the joint
28 call of the cochairs.

29 **"§ 120-160. Compensation.**

30 ~~Members of the Commission who are members of the General Assembly shall receive~~
31 ~~subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers~~
32 ~~or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All~~
33 ~~other members shall receive per diem, subsistence, and travel allowances as provided by~~
34 ~~G.S. 138-5.~~

35 **"§ 120-161. Facilities and staff.**

36 ~~The Commission may meet in the Legislative Building or the Legislative Office Building.~~
37 ~~Staff for the Commission shall be provided by the Legislative Services Commission. The~~
38 ~~Commission may contract with the School of Government at the University of North Carolina~~
39 ~~at Chapel Hill, the Local Government Commission, the Department of Environment and~~
40 ~~Natural Resources, or other agencies as may be necessary in completing any required studies,~~
41 ~~within the funds appropriated to the Commission."~~

42
43 **JOINT LEGISLATIVE ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE**

44 **SECTION 1.10.(a)** G.S. 120-70.130 reads as rewritten:

45 **"§ 120-70.130. Creation and membership of Joint Legislative Economic Development**
46 **Oversight Committee.**

47 The Joint Legislative Economic Development Oversight Committee is established. The
48 Committee consists of ~~12-22~~ members as follows:

- 49 (1) ~~Six-Eleven~~ members of the Senate appointed by the President Pro Tempore
50 of the Senate; Senate, at least three of whom are members of the minority
51 party; and

- (2) ~~Six–Eleven~~ members of the House of Representatives appointed by the Speaker of the House of ~~Representatives~~Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2007 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until a successor is appointed. A vacancy shall be filled by the officer who made the original appointment."

SECTION 1.10.(b) G.S. 120-70.131 reads as rewritten:

"§ 120-70.131. Purpose and powers of Committee.

(a) The Joint Legislative Economic Development Oversight Committee shall examine, on a continuing basis, economic growth and development issues and strategies in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote cost-effective economic development initiatives. In this examination, the Committee may:

- (1) Study the budgets, programs, and policies of the Department of Commerce, the North Carolina Partnership for Economic Development, and other State, regional, and local entities involved in economic development.
- (2) Analyze legislation from other states regarding economic development.
- (3) Analyze proposals produced by the Economic Development Board.
- (3a) Request the Department of Commerce to provide an annual report by January 15 of each year on the effectiveness of the following economic development programs:
 - a. Job Development Investment Grant Program (JDIG).
 - b. One North Carolina.
 - c. Article 3J Credits.
 - d. Job Maintenance and Capital Development Fund (JMAC).
- (4) Study any other matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee."

ENVIRONMENTAL REVIEW COMMISSION

SECTION 1.13. G.S. 120-70.42 reads as rewritten:

"§ 120-70.42. Membership; cochaIRS; vacancies; quorum.

(a) The Environmental Review Commission shall consist of six Senators appointed by the President Pro Tempore of the Senate, six Representatives appointed by the Speaker of the House of Representatives, who shall serve at the pleasure of their appointing officer, the Chair or a Cochair of the Senate Committee on Agriculture, Environment, and Natural Resources or the equivalent committee, the Chair or a Cochair of the House of Representatives Committee on Environment and Natural Resources or the equivalent committee, the Chair or a Cochair of the Senate Committee on Appropriations – Natural and Economic Resources or the equivalent committee, and the Chair or a Cochair of the House of Representatives Committee on Appropriations – Natural and Economic Resources or the equivalent committee.

(b) The President Pro Tempore of the Senate shall designate one or more Senators and the Speaker of the House of Representatives shall designate one or more Representatives to serve as cochairs.

(c) Except as otherwise provided in this subsection, a member of the Commission shall continue to serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the Commission who does not seek reelection or is not reelected to the General Assembly may complete a term of service on the Commission until the day on which a new General Assembly convenes. A member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from service on the Commission. Any vacancy that occurs on the Environmental Review Commission shall be filled in the same manner as the original appointment.

(d) A quorum of the Environmental Review Commission shall consist of ~~nine~~ seven members."

PART II. CONFORMING CHANGES

SECTION 2.1. G.S. 7A-346.3 reads as rewritten:

"§ 7A-346.3. Impaired driving integrated data system report.

The information compiled by G.S. 7A-109.2 shall be maintained in an Administrative Office of the Courts database. By March 1, the Administrative Office of the Courts shall provide an annual report of the previous calendar year to the Joint Legislative Commission on Governmental Operations and the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee~~ Oversight Committee on Justice and Public Safety. The annual report shall show the types of dispositions for the entire State by county, by judge, by prosecutor, and by defense attorney. This report shall also include the amount of fines, costs, and fees ordered at the disposition of the charge, the amount of any subsequent reduction, amount collected, and the amount still owed, and compliance with sanctions of community service, jail, substance abuse assessment, treatment, and education. The Administrative Office of the Courts shall facilitate public access to the information collected under this section by posting this information on the court's Internet page in a manner accessible to the public and shall make reports of any information collected under this section available to the public upon request and without charge."

SECTION 2.2. G.S. 7A-409.1(g) reads as rewritten:

"(g) The State Judicial Council shall report to the General Assembly and the Chief Justice no later than December 31, 2009, and no later than December 31 of every third year, regarding the implementation of S.L. 2006-184 and shall include in its report the statistics regarding inquiries and any recommendations for changes. The House of Representatives and the Senate shall refer the report of the State Judicial Council to the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee~~ on Justice and Public Safety and such other committees as the Speaker of the House of Representatives or the President Pro Tempore of the Senate shall deem appropriate, for their review."

SECTION 2.3. G.S. 15A-266.5 reads as rewritten:

"§ 15A-266.5. Tests to be performed on DNA sample.

(a) The tests to be performed on each DNA sample are:

- (1) To analyze and type only the genetic markers that are used for identification purposes contained in or derived from the DNA.
- (2) For law enforcement identification purposes.
- (3) For research and administrative purposes, including:
 - a. Development of a population database when personal identifying information is removed.

- 1 b. To support identification research and protocol development of
2 forensic DNA analysis methods.
3 c. For quality control purposes.
4 d. To assist in the recovery or identification of human remains from
5 mass disasters or for other humanitarian purposes, including
6 identification of missing persons.

7 (b) The DNA record of identification characteristics resulting from the DNA testing
8 shall be stored and maintained by the SBI in the State DNA Database. The DNA sample itself
9 will be stored and maintained by the SBI in the State DNA Databank.

10 (c) The SBI shall report annually to the Joint Legislative Commission on Governmental
11 Operations and to the Joint Legislative ~~Corrections, Crime Control and Juvenile Justice~~
12 ~~Oversight Committee~~, Oversight Committee on Justice and Public Safety, on or before February
13 1, with information for the previous calendar year, which shall include: a summary of the
14 operations and expenditures relating to the DNA Database and DNA Databank; the number of
15 DNA records from arrestees entered; the number of DNA records from arrestees that have been
16 expunged; and the number of DNA arrestee matches or hits that occurred with an unknown
17 sample, and how many of those have led to an arrest and conviction; and how many letters
18 notifying defendants that a record and sample have been expunged, along with the number of
19 days it took to complete the expunction and notification process, from the date of the receipt of
20 the verification form from the State.

21 (d) The Department of Justice, in consultation with the Administrative Office of the
22 Courts and the Conference of District Attorneys, shall study, develop, and recommend an
23 automated procedure to facilitate the process of expunging DNA samples and records taken
24 pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on
25 Governmental Operations, the Joint Legislative ~~Corrections, Crime Control and Juvenile~~
26 ~~Justice Oversight Committee~~, Oversight Committee on Justice and Public Safety, and the
27 Courts Commission, on or before February 1, 2011."

28 **SECTION 2.4.** G.S. 15A-1475 reads as rewritten:

29 **"§ 15A-1475. Reports.**

30 Beginning January 1, 2008, and annually thereafter, the North Carolina Innocence Inquiry
31 Commission shall report on its activities to the Joint Legislative ~~Corrections, Crime Control,~~
32 ~~and Juvenile Justice Oversight Committee~~ on Justice and Public Safety and the State Judicial
33 Council. The report may contain recommendations of any needed legislative changes related to
34 the activities of the Commission. The report shall recommend the funding needed by the
35 Commission, the district attorneys, and the State Bureau of Investigation in order to meet their
36 responsibilities under S.L. 2006-184. Recommendations concerning the district attorneys or the
37 State Bureau of Investigation shall only be made after consultations with the North Carolina
38 Conference of District Attorneys and the Attorney General."

39 **SECTION 2.5.** G.S. 58-42-45 reads as rewritten:

40 **"§ 58-42-45. Article subject to Administrative Procedure Act; legislative oversight of**
41 **plans.**

42 (a) The provisions of Chapter 150B of the General Statutes shall apply to this Article.

43 (b) At the same time the Commissioner issues a notice of hearing under G.S. 150B-38,
44 the Commissioner shall provide copies of the notice to the Joint ~~Legislative Administrative~~
45 ~~Procedure Oversight~~ Regulatory Reform Committee and to the Joint Legislative Commission on
46 Governmental Operations. The Commissioner shall provide the Committee and Commission
47 with copies of any plan promulgated by or approved by the Commissioner under
48 G.S. 58-42-1(1) or (2)."

49 **SECTION 2.6.** G.S. 58-50-95 reads as rewritten:

50 **"§ 58-50-95. Report by Commissioner.**

1 The Commissioner shall report annually to the Joint Legislative ~~Health-Care-Oversight~~
2 Committee on Health and Human Services regarding the nature and appropriateness of reviews
3 conducted under this Part. The report, which shall be provided to the public upon request,
4 should include the number of reviews, underlying issues in dispute, character of the reviews,
5 dollar amounts in question, whether the review was decided in favor of the covered person or
6 the health benefit plan, the cost of review, and any other information relevant to the evaluation
7 of the effectiveness of this Part."

8 **SECTION 2.7.** G.S. 58-50-180(g) reads as rewritten:

9 "(g) The Executive Director shall make an annual report to the Speaker of the House of
10 Representatives, the President Pro Tempore of the Senate, the Commissioner, the Joint
11 Legislative ~~Health-Care-Oversight Committee~~, Committee on Health and Human Services, and
12 the Committee on Employee Hospital and Medical Benefits. The report shall summarize the
13 activities of the Pool in the preceding calendar year, including the net written and earned
14 premiums, benefit plan enrollment, the expense of administration, and the paid and incurred
15 losses."

16 **SECTION 2.8.** G.S. 62-15(a) reads as rewritten:

17 "(a) There is established in the Commission the office of executive director, whose
18 salary and longevity pay shall be the same as that fixed for members of the Commission.
19 "Service" for purposes of longevity pay means service as executive director of the public staff.
20 The executive director shall be appointed by the Governor subject to confirmation by the
21 General Assembly by joint resolution. The name of the executive director appointed by the
22 Governor shall be submitted to the General Assembly on or before May 1 of the year in which
23 the term of his office begins. The term of office for the executive director shall be six years,
24 and the initial term shall begin July 1, 1977. The executive director may be removed from
25 office by the Governor in the event of his incapacity to serve; and the executive director shall
26 be removed from office by the Governor upon the affirmative recommendation of a majority of
27 the Commission, after consultation with the Joint Legislative ~~Utility-Review~~
28 Committee Commission on Governmental Operations of the General Assembly. In case of a
29 vacancy in the office of executive director for any reason prior to the expiration of his term of
30 office, the name of his successor shall be submitted by the Governor to the General Assembly,
31 not later than four weeks after the vacancy arises. If a vacancy arises in the office when the
32 General Assembly is not in session, the executive director shall be appointed by the Governor
33 to serve on an interim basis pending confirmation by the General Assembly."

34 **SECTION 2.9.** G.S. 62-15(h) reads as rewritten:

35 "(h) The executive director is authorized to employ, subject to approval by the State
36 Budget Officer, expert witnesses and such other professional expertise as the executive director
37 may deem necessary from time to time to assist the public staff in its participation in
38 Commission proceedings, and the compensation and expenses therefor shall be paid by the
39 utility or utilities participating in said proceedings. Such compensation and expenses shall be
40 treated by the Commission, for rate-making purposes, in a manner generally consistent with its
41 treatment of similar expenditures incurred by utilities in the presentation of their cases before
42 the Commission. An accounting of such compensation and expenses shall be reported annually
43 to the Joint Legislative ~~Utility-Review Committee~~ Commission on Governmental Operations
44 and to the Speaker of the House of Representatives and the President Pro Tempore of the
45 Senate."

46 **SECTION 2.10.** G.S. 62-36A(c) reads as rewritten:

47 "(c) Within 180 days after all local distribution companies have filed their initial or
48 biennial update reports, the Commission and the Public Staff shall independently provide
49 analyses and summaries of those reports, together with status reports of natural gas service in
50 the State, to the Joint Legislative ~~Utility-Review Committee~~ Commission on Governmental
51 Operations."

1 **SECTION 2.11.** G.S. 62-133.2(g) reads as rewritten:

2 "(g) On July 1 of every odd-numbered year, the Utilities Commission shall provide a
3 report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental
4 Operations summarizing the proceedings conducted pursuant to this section during the
5 preceding two years."

6 **SECTION 2.12.** G.S. 62-133.5(k) reads as rewritten:

7 "(k) To evaluate the affordability and quality of local exchange service provided to
8 consumers in this State, a local exchange company or competing local provider offering basic
9 local residential exchange service that elects to have its rates, terms, and conditions for its
10 services determined pursuant to the plan described in subsection (h) of this section shall make
11 an annual report to the General Assembly on the state of its company's operations. The report
12 shall be due 30 days after the close of each calendar year and shall cover the period from
13 January 1 through December 31 of the preceding year. The Joint Legislative ~~Utility Review~~
14 ~~Committee~~Commission on Governmental Operations must review the annual reports and
15 decide whether to recommend that the General Assembly take corrective action in response to
16 those reports. The report shall include the following:

- 17 (1) An analysis of telecommunications competition by the local exchange
18 company or competing local provider, including access line gain or loss and
19 the impact on consumer choices from enactment of the Consumer Choice
20 and Investment Act of 2009.
21 (2) An analysis of service quality based on customer satisfaction studies from
22 enactment of the Consumer Choice and Investment Act of 2009.
23 (3) An analysis of the level of local exchange rates from enactment of the
24 Consumer Choice and Investment Act of 2009."

25 **SECTION 2.13.** G.S. 62-133.8(j) reads as rewritten:

26 "(j) Report. – No later than October 1 of each year, the Commission shall submit a
27 report on the activities taken by the Commission to implement, and by electric power suppliers
28 to comply with, the requirements of this section to the Governor, the Environmental Review
29 Commission, and the Joint Legislative ~~Utility Review Committee~~Commission on
30 Governmental Operations. The report shall include any public comments received regarding
31 direct, secondary, and cumulative environmental impacts of the implementation of the
32 requirements of this section. In developing the report, the Commission shall consult with the
33 Department of Environment and Natural Resources."

34 **SECTION 2.14.** G.S. 62-133.9(i) reads as rewritten:

35 "(i) The Commission shall submit to the Governor and to the Joint Legislative ~~Utility~~
36 ~~Review Committee~~Commission on Governmental Operations a summary of the proceedings
37 conducted pursuant to this section during the preceding two fiscal years on or before September
38 1 of odd-numbered years."

39 **SECTION 2.15.** G.S. 62-158(d) reads as rewritten:

40 "(d) The Commission, after hearing, may adopt rules to implement this section,
41 including rules for the establishment of expansion funds, for the use of such funds, for the
42 remittance to the expansion fund or to customers of supplier and transporter refunds and
43 expansion surcharges or other funds that were sources of the expansion fund, and for
44 appropriate accounting, reporting and ratemaking treatment. The Commission and Public Staff
45 shall report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental
46 Operations on the operation of any expansion funds in conjunction with the reports required
47 under G.S. 62-36A."

48 **SECTION 2.16.** G.S. 62-159(d) reads as rewritten:

49 "(d) The Commission, after hearing, shall adopt rules to implement this section as soon
50 as practicable. The Commission and Public Staff shall report to the Joint Legislative ~~Utility~~

~~Review Committee~~Commission on Governmental Operations on the use of funding provided under this section in conjunction with the reports required under G.S. 62-36A."

SECTION 2.17. G.S. 62A-44(c) reads as rewritten:

"(c) Report. – In February of each odd-numbered year, the 911 Board must report to the Joint Legislative Commission on Governmental ~~Operations, Operations and the Revenue Laws Study Committee, and the Joint Legislative Utility Review Committee~~. The report must contain complete information regarding receipts and expenditures of all funds received by the 911 Board during the period covered by the report, the status of the 911 system in North Carolina at the time of the report, and the results of any investigations by the Board of PSAPs that have been completed during the period covered by the report."

SECTION 2.18. G.S. 62A-46(a)(2) reads as rewritten:

"(2) Reports. – The Board must report to the Joint Legislative Commission on Governmental ~~Operations, Operations and the Revenue Laws Study Committee, and the Joint Legislative Utility Review Committee~~ within 45 days of a change in the funding formula. The report must contain a description of the differences in the old and new formulas and the projected distributions to each PSAP from the new formula."

SECTION 2.19. G.S. 93B-2(a) reads as rewritten:

"(a) No later than October 31 of each year, each occupational licensing board shall file with the Secretary of State, the Attorney General, and the Joint ~~Legislative Administrative Procedure Oversight Regulatory Reform~~ Committee an annual report containing all of the following information:

- (1) The address of the board, and the names of its members and officers.
- (2) The number of persons who applied to the board for examination.
- (3) The number who were refused examination.
- (4) The number who took the examination.
- (5) The number to whom initial licenses were issued.
- (6) The number who applied for license by reciprocity or comity.
- (7) The number who were granted licenses by reciprocity or comity.
- (7a) The number of official complaints received involving licensed and unlicensed activities.
- (7b) The number of disciplinary actions taken against licensees, or other actions taken against nonlicensees, including injunctive relief.
- (8) The number of licenses suspended or revoked.
- (9) The number of licenses terminated for any reason other than failure to pay the required renewal fee.
- (10) The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the occupational licensing board.
- (11) The substance of any anticipated change in rules adopted by the occupational licensing board or the substance of any anticipated adoption of new rules by the occupational licensing board."

SECTION 2.20. G.S. 93B-2(b) reads as rewritten:

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

SECTION 2.21. G.S. 95-25.23C(c) reads as rewritten:

"(c) Report. – No later than February 1 of each year, the Commissioner shall submit a written report to the General Assembly, the ~~Legislative Study Commission on Children and~~

~~Youth~~, Joint Legislative Education Oversight Committee, and the Fiscal Research Division of the General Assembly on the Department of Labor's investigative, inspection, and enforcement activities under the Wage and Hour Act pertaining to youth employment. Each report submitted pursuant to this subsection shall contain data and information about the calendar year preceding the date on which the last written report was submitted. The report shall include at least all of the following:

- (1) All activities the Department of Labor has sponsored or participated in for the purpose of educating employers about their responsibilities under the Wage and Hour Act.
- (2) The total number of complaints received by the Department of Labor alleging youth employment violations under the Wage and Hour Act, or any regulations issued under the Wage and Hour Act, or both.
- (3) The specific types of youth employment violations alleged and the ages of the youths referenced in the complaints received by the Department of Labor.
- (4) The total number of investigations conducted by the Department of Labor concerning alleged youth employment violations, the length of the investigations, and the number of investigators assigned to conduct the investigations. For purposes of this subdivision, the Commissioner shall provide a separate analysis of (i) investigations initiated by the Department in response to a complaint, (ii) investigations initiated by the Department in the absence of a complaint, and (iii) alleged record-keeping violations pertaining to youth employment.
- (5) The total number of administrative proceedings involving youth employment violations.
- (6) The total number and identity of employers cited for youth employment violations and the industries or occupations that received the greatest and the least number of complaints alleging youth employment violations.
- (7) The total number and dollar amount of civil penalties assessed pursuant to G.S. 95-25.23 and the total number and dollar amount of civil penalties actually collected pursuant to that section. For purposes of this subdivision, the Commissioner shall provide a detailed, itemized list of each civil penalty represented in the total number and dollar amounts reported pursuant to this subdivision and indicate whether each civil penalty is the result of a complaint.
- (8) The total number and dollar amount of civil penalties assessed pursuant to G.S. 95-25.23A and the total number and dollar amount of civil penalties actually collected pursuant to that section. For purposes of this subdivision, the Commissioner shall provide a detailed, itemized list of each civil penalty represented in the total number and dollar amounts reported pursuant to this subdivision and indicate whether each civil penalty is the result of a complaint.
- (9) An explanation of any obstacles that prevented the Department of Labor from enforcing any provision of the Wage and Hour Act as it pertains to youth employment, any recommended changes to the Wage and Hour Act to strengthen the Department of Labor's oversight and enforcement of youth employment laws and regulations in this State, and any other information related to the Department of Labor's enhanced enforcement of the State's youth employment laws and regulations.

- (10) Recommendations about the funding needed by the Department to (i) eliminate any identified obstacles to enforcement of youth employment laws and regulations and (ii) effectively implement any recommended changes."

SECTION 2.22. G.S. 108A-55(c) reads as rewritten:

"(c) The Department shall reimburse providers of services, equipment, or supplies under the Medical Assistance Program in the following amounts:

- (1) The amount approved by the Health Care Financing Administration of the United States Department of Health and Human Services, if that Administration approves an exact reimbursement amount;
- (2) The amount determined by application of a method approved by the Health Care Financing Administration of the United States Department of Health and Human Services, if that Administration approves the method by which a reimbursement amount is determined, and not the exact amount.

The Department shall establish the methods by which reimbursement amounts are determined in accordance with Chapter 150B of the General Statutes. A change in a reimbursement amount becomes effective as of the date for which the change is approved by the Health Care Financing Administration of the United States Department of Health and Human Services. The Department shall report to the Fiscal Research Division of the Legislative Services Office and to the Senate Appropriations Committee on Human Resources and the House of Representatives Appropriations Subcommittee on Human Resources or the Joint ~~Legislative Commission on Health Care Oversight~~ Committee on Health and Human Services on any change in a reimbursement amount at the same time as it sends out public notice of this change prior to presentation to the Health Care Financing Administration."

SECTION 2.23. G.S. 108A-70.25 reads as rewritten:

"§ 108A-70.25. State Plan for Health Insurance Program for Children.

The Department shall develop and submit a State Plan to implement "The Health Insurance Program for Children" authorized under this Part to the federal government as application for federal funds under Title XXI. The State Plan submitted under this Part shall be developed by the Department only as authorized by and in accordance with this Part. No provision in the State Plan submitted under this Part may expand or otherwise alter the scope or purpose of the Program from that authorized under this Part. The Department shall include in the State Plan submitted only those items required by this Part and required by the federal government to qualify for federal funds under Title XXI and necessary to secure the State's federal fund allotment for the applicable fiscal period. Except as otherwise provided in this section, the Department shall not amend the State Plan nor submit any amendments thereto to the federal government for review or approval without the specific approval of the General Assembly. In the event federal law requires that an amendment be made to the State Plan and further requires that the amendment be submitted or implemented within a time period when the General Assembly is not and will not be in session to approve the amendment, then the Department may submit the amendment to the federal government for review and approval without the approval of the General Assembly. Prior to submitting an amendment to the federal government without General Assembly approval as authorized in this section, the Department shall report the proposed amendment to the Joint ~~Legislative Health Care Oversight~~ Committee on Health and Human Services and to members of the Joint Appropriations Subcommittee on Health and Human Services. The report shall include an explanation of the amendment, the necessity therefor, and the federal time limits required for implementation of the amendment."

SECTION 2.24. G.S. 108A-70.27(b) reads as rewritten:

"(b) The Department shall report annually to the Joint ~~Legislative Health Care Oversight~~ Committee on Health and Human Services and shall provide a copy of the report to the Joint Appropriations Subcommittees on Health and Human Services. The report shall include:

- (1) Data collected as required under subsection (a) of this section and an analysis thereof giving trends and projections for continued Program funding;
- (2) Program areas working most effectively and least effectively;
- (3) Performance measures used to ensure Program quality, fiscal integrity, ease of access, and appropriate utilization of preventive and medical care;
- (4) Effectiveness of system linkages in addressing access, quality of care, and Program efficiency;
- (5) Recommended changes in the Program necessary to improve Program efficiency and effectiveness;
- (6) Any other information requested by the Committee pertinent to the provision of health insurance for children and the implementation of the Program."

SECTION 2.25. G.S. 108A-70.27(c) reads as rewritten:

"(c) The Executive Administrator and Board of Trustees of the North Carolina Teachers' and State Employees' Major Medical Plan ("Plan") shall provide to the Department data required under this section that are collected by the Plan. Data shall be reported by the Plan in sufficient detail to meet federal reporting requirements under Title XXI. The Plan shall report periodically to the Joint Legislative ~~Health Care Oversight Committee~~ on Health and Human Services claims processing data for the Program and any other information the Plan or the Committee deems appropriate and relevant to assist the Committee in its review of the Program."

SECTION 2.26. G.S. 113-175.6 reads as rewritten:

"§ 113-175.6. Report.

The Chair of the Marine Fisheries Commission and the Chair of the Wildlife Resources Commission shall jointly submit to the Joint Legislative Commission on ~~Seafood and Aquaculture~~ Governmental Operations by October 1 of each year a report on the Marine Resources Fund and the Endowment Fund that shall include the source and amounts of all moneys credited to each fund and the purpose and amount of all disbursements from each fund during the prior fiscal year."

SECTION 2.27. G.S. 113-182.1(c1) reads as rewritten:

"(c1) The Department shall consult with the regional advisory committees established pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan. Before submission of a plan for review by the Joint Legislative Commission on ~~Seafood and Aquaculture~~ Governmental Operations, the Department shall review any comment or recommendation regarding the plan that a regional advisory committee submits to the Department within the time limits established in the Schedule for the development and adoption of Fishery Management Plans established by G.S. 143B-289.52. Before the Commission adopts a management measure to implement a plan, the Commission shall review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission."

SECTION 2.28. G.S. 113-182.1(e) reads as rewritten:

"(e) The Secretary of Environment and Natural Resources shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries Commission. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on ~~Seafood and Aquaculture~~ Governmental Operations on progress in developing and implementing the Fishery Management Plans on or before 1 September of each year. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture within 30 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on ~~Seafood and Aquaculture~~ Governmental Operations shall review each proposed Fishery

1 Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary.
2 The Joint Legislative Commission on ~~Seafood and Aquaculture~~ Governmental Operations may
3 submit comments and recommendations on the proposed Plan to the Secretary within 30 days
4 of the date the proposed Plan is submitted by the Secretary."

5 **SECTION 2.29.** G.S. 113-200(i) reads as rewritten:

6 "(i) Report on Grant Program. – The Sea Grant College Program shall report on the
7 Fishery Resource Grant Program to the Marine Fisheries Commission and the Joint Legislative
8 Commission on ~~Seafood and Aquaculture~~ Governmental Operations no later than January 1 of
9 each year."

10 **SECTION 2.30.** G.S. 120-70.33(8) reads as rewritten:

11 "(8) To undertake such additional studies as it deems appropriate or as may from
12 time to time be requested by the President Pro Tempore of the Senate, the
13 Speaker of the House of Representatives, either house of the General
14 Assembly, the Legislative Research Commission, the Joint Legislative
15 Commission on Governmental Operations, or the Environmental Review
16 Commission, or the Joint Legislative Utility Review Committee, and to
17 make such reports and recommendations to the General Assembly regarding
18 such studies as it deems appropriate."

19 **SECTION 2.31.** G.S. 120-70.43(a)(7) reads as rewritten:

20 "(7) To undertake such additional studies as it deems appropriate or as may from
21 time to time be requested by the President Pro Tempore of the Senate, the
22 Speaker of the House of Representatives, either house of the General
23 Assembly, the Legislative Research Commission, or the Joint Legislative
24 Commission on Governmental Operations, the Joint Legislative Utility
25 Review Committee, or the Joint Select Committee on Low-Level
26 Radioactive Waste Operations and to make such reports and
27 recommendations to the General Assembly regarding such studies as it
28 deems appropriate; provided that the Environmental Review Commission
29 shall not undertake any study which the General Assembly has assigned to
30 another legislative commission or committee."

31 **SECTION 2.32.** G.S. 120-163 reads as rewritten:

32 **"§ 120-163. Petition.**

33 (a) The process of seeking the recommendation of the ~~Commission–Municipal~~
34 Incorporations Subcommittee is commenced by filing with the ~~Commission–Municipal~~
35 Incorporations Subcommittee a petition signed by fifteen percent (15%) of the registered voters
36 of the area proposed to be incorporated, but by not less than 25 registered voters of that area,
37 asking for incorporation. The voter shall sign the petition and also clearly print that voter's
38 name adjacent to the signature. The petition must also contain the voter's residence address and
39 date of birth.

40 ...

41 (d) The petitioners must present to the ~~Commission–Municipal Incorporations~~
42 Subcommittee the verified petition from the county board of elections.

43 (e) A petition must be submitted to the ~~Commission–Municipal Incorporations~~
44 Subcommittee at least 60 days prior to convening of the next regular session of the General
45 Assembly in order for the ~~Commission–Municipal Incorporations Subcommittee~~ to make a
46 recommendation to that session."

47 **SECTION 2.33.** G.S. 120-164 reads as rewritten:

48 **"§ 120-164. Notification.**

49 (a) Not later than five days before submitting the petition to the ~~Commission–Municipal~~
50 Incorporations Subcommittee, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the ~~Commission-Municipal Incorporations Subcommittee~~.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the ~~Commission-Municipal Incorporations Subcommittee~~ notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the ~~Commission-Municipal Incorporations Subcommittee~~."

SECTION 2.34. G.S. 120-165 reads as rewritten:

"§ 120-165. Initial inquiry.

(a) The ~~Commission-Municipal Incorporations Subcommittee~~ shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The ~~Commission-Municipal Incorporations Subcommittee~~ shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part."

SECTION 2.35. G.S. 120-166 reads as rewritten:

"§ 120-166. Additional criteria; nearness to another municipality.

(a) The ~~Commission-Municipal Incorporations Subcommittee~~ may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. For purposes of this section, "municipality" means a city as defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the ~~Commission-Municipal Incorporations Subcommittee~~ shall adopt policies to implement this subdivision;
- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the ~~Commission-Municipal Incorporations Subcommittee~~ but the annexation petition was not approved."

SECTION 2.36. G.S. 120-168 reads as rewritten:

"§ 120-168. Additional criteria; development.

The ~~Commission-Municipal Incorporations Subcommittee~~ may not make a positive recommendation unless forty percent (40%) of the area is developed for residential,

commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants."

SECTION 2.37. G.S. 120-169 reads as rewritten:

"§ 120-169. Additional criteria; area unincorporated.

The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1), or if any of the proposed municipality is included within the boundary of a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes."

SECTION 2.38. G.S. 120-169.1 reads as rewritten:

"§ 120-169.1. Additional criteria; level of development, services; financial impact on other local governments.

(a) ~~Repealed by Session Laws 1999-458, s. 4.~~

(b) ~~Services.~~ – The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. This plan shall be based on the proposed services stated in the petition under G.S. 120-163(c).

(c) The ~~Commission~~ Municipal Incorporations Subcommittee in its report shall indicate the impact on other municipalities and counties of diversion of already levied local taxes or State-shared revenues from existing local governments to support services in the proposed municipality."

SECTION 2.39. G.S. 120-221(c) reads as rewritten:

"(c) The Task Force shall report at least annually to the Commission or more frequently at the request of the cochairs of the Commission, and shall also report on April 1 of each year to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services, and the Fiscal Research Division."

SECTION 2.40. G.S. 122C-5 reads as rewritten:

"§ 122C-5. Report on restraint and seclusion.

The Secretary shall report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services on the following for the immediately preceding fiscal year:

(1) The level of compliance of each facility with applicable State and federal laws, rules, and regulations governing the use of restraints and seclusion. The information shall indicate areas of highest and lowest levels of compliance.

(2) The total number of facilities that reported deaths under G.S. 122C-31, the number of deaths reported by each facility, the number of deaths investigated pursuant to G.S. 122C-31, and the number found by the investigation to be related to the use of restraint or seclusion."

SECTION 2.41. G.S. 122C-13(11) reads as rewritten:

"(11) Submit a report annually to the Secretary, the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services, and the Joint Legislative Health Care Oversight Committee containing data and findings regarding the types of problems experienced and complaints reported by or on behalf of providers, consumers, and employees of providers, as well as recommendations to

1 resolve identified issues and to improve the administration of MH/DD/SA
2 facilities and the delivery of MH/DD/SA services throughout the State."

3 **SECTION 2.42.** G.S. 122C-102(c) reads as rewritten:

4 "(c) State Performance Measures. – The State Plan shall also include a mechanism for
5 measuring the State's progress towards increased performance on the following matters: access
6 to services, consumer-focused outcomes, individualized planning and supports, promotion of
7 best practices, quality management systems, system efficiency and effectiveness, and
8 prevention and early intervention. Beginning October 1, 2006, and every six months thereafter,
9 the Secretary shall report to the General Assembly and the Joint Legislative Oversight
10 Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and
11 Human Services, on the State's progress in these performance areas."

12 **SECTION 2.43.** G.S. 122C-112.1(a)(30) reads as rewritten:

13 "(30) Prior to requesting approval to close a State facility under G.S. 122C-181(b):

- 14 a. Notify the Joint Legislative Commission on Governmental
15 Operations, the Joint Legislative Oversight Committee on Mental
16 Health, Developmental Disabilities, and Substance Abuse Health and
17 Human Services, and members of the General Assembly who
18 represent catchment areas affected by the closure; and
19 b. Present a plan for the closure to the members of the Joint Legislative
20 Oversight Committee on Mental Health, Developmental Disabilities,
21 and Substance Abuse Health and Human Services, the House of
22 Representatives Appropriations Subcommittee on Health and Human
23 Services, and the Senate Appropriations Committee on Health and
24 Human Services for their review, advice, and recommendations. The
25 plan shall address specifically how patients will be cared for after
26 closure, how support services to community-based agencies and
27 outreach services will be continued, and the impact on remaining
28 State facilities. In implementing the plan, the Secretary shall take into
29 consideration the comments and recommendations of the committees
30 to which the plan is presented under this subdivision."

31 **SECTION 2.44.** G.S. 122C-112.1(a)(35) reads as rewritten:

32 "(35) Develop and adopt rules governing a statewide data system containing waiting list
33 information obtained annually from each LME as required under G.S. 122C-115.4(b)(8). The
34 rules adopted shall establish standardized criteria to be used by LMEs to ensure that the waiting
35 list data are consistent across LMEs. The Department shall use data collected from LMEs under
36 G.S. 122C-115.4(b)(8) for statewide planning and needs projections. The creation of the
37 statewide waiting list data system does not create an entitlement to services for individuals on
38 the waiting list. The Department shall report annually to the Joint Legislative Oversight
39 Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and
40 Human Services its recommendations based on data obtained annually from each LME. The
41 report shall indicate the services that are most needed throughout the State, plans to address
42 unmet needs, and any cost projections for providing needed services."

43 **SECTION 2.45.** G.S. 122C-115.4(e) reads as rewritten:

44 "(e) Notwithstanding subsection (d) of this section, in the case of serious financial
45 mismanagement or serious regulatory noncompliance, the Secretary may temporarily remove
46 an LME function after consultation with the Joint Legislative Oversight Committee on ~~Mental~~
47 ~~Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services."

48 **SECTION 2.46.** G.S. 130A-40.1(b) reads as rewritten:

49 "(b) The Secretary of Health and Human Services may approve only one request under
50 subsection (a) of this section, this section being designed as a pilot program concerning
51 alternative qualifications for a local health director. The Secretary of Health and Human

Services shall report any approval under this section to the ~~Public Health Study Commission~~. Joint Legislative Oversight Committee on Health and Human Services."

SECTION 2.47. G.S. 131D-2.13(e) reads as rewritten:

"(e) Report on Use of Restraint. – The Department shall report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services the following for the immediately preceding fiscal year:

- (1) The level of compliance of each adult care home with applicable State law and rules governing the use of physical restraint and physical hold of residents. The information shall indicate areas of highest and lowest levels of compliance.
- (2) The total number of adult care homes that reported deaths under G.S. 131D-34.1, the number of deaths reported by each facility, the number of deaths investigated pursuant to G.S. 131D-34.1, and the number found by the investigation to be related to the adult care home's use of physical restraint or physical hold."

SECTION 2.48. G.S. 131D-10.6(10) reads as rewritten:

"(10) Report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services the level of facility compliance with applicable State law governing the use of restraint and time-out in residential child-care facilities. The report shall also include the total number of facilities that reported deaths under this section, the number of deaths reported by each facility, the number of deaths investigated pursuant to this section, and the number found by the investigation to be related to the use of physical restraint or time-out."

SECTION 2.49. G.S. 131E-314 reads as rewritten:

"§ 131E-314. Division Reporting.

The Division of Medical Assistance of the Department of Health and Human Services shall report quarterly to the Joint Legislative ~~Health Care Oversight Committee on Health and Human Services~~ on its regulatory activities in the enforcement of this act and shall provide the Committee with a summary of nonconfidential information on the financial plans and operations of PSOs. The report to the Committee shall include a description and explanation of any regulations or regulatory interpretations that differ from Department of Insurance regulations applicable to HMOs. The report shall also include PSO efforts to improve community health status. The Division shall develop processes or methods to measure improvements in health outcomes for Medicare beneficiaries served by managed care organizations and shall report quarterly to the Joint Legislative ~~Health Care Oversight Committee on Health and Human Services~~ on the development of these standards."

SECTION 2.50. G.S. 143-318.14A(a) reads as rewritten:

"(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly:

- (1) The Legislative Research Commission;
- (2) The Legislative Services Commission;
- (3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter;
- (4) ~~The Joint Legislative Utility Review Committee;~~
- (5) The Joint Legislative Commission on Governmental Operations;

(6) The Joint Legislative Commission on ~~Municipal Incorporations; Local Government;~~

(7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.

~~(8) The Joint Select Committee on Low Level Radioactive Waste;~~

(9) The Environmental Review Commission;

(10) The Joint Legislative Transportation Oversight Committee;

(11) The Joint Legislative Education Oversight Committee;

~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~

(13) The Commission on Children with Special Needs;

~~(14) The Legislative Committee on New Licensing Boards;~~

(15) The Agriculture and Forestry Awareness Study Commission; and

~~(16) The North Carolina Study Commission on Aging; and~~

(17) The standing Committees on Pensions and Retirement."

SECTION 2.51. G.S. 143B-273.8(b) reads as rewritten:

"(b) The Department of Correction shall report by February 1 of each year to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee~~ on Justice and Public Safety on the status of the Criminal Justice Partnership Program. The report shall include the following information:"

SECTION 2.52. G.S. 143B-279.8(e) reads as rewritten:

"(e) The Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall report to the Joint Legislative Commission on ~~Seafood and Aquaculture~~ Governmental Operations and the Environmental Review Commission on progress in developing and implementing the Coastal Habitat Protection Plans, including the extent to which the actions of the three commissions are consistent with the Plans, on or before 1 September of each year."

SECTION 2.53. G.S. 143B-279.8(f) reads as rewritten:

"(f) The Secretary of Environment and Natural Resources shall report to the Environmental Review Commission and the Joint Legislative Commission on Seafood and Aquaculture within 30 days of the completion or substantial revision of each draft Coastal Habitat Protection Plan. The Environmental Review Commission and the Joint Legislative Commission on ~~Seafood and Aquaculture~~ Governmental Operations shall concurrently review each draft Coastal Habitat Protection Plan within 30 days of the date the draft Plan is submitted by the Secretary. The Environmental Review Commission and the Joint Legislative Commission on ~~Seafood and Aquaculture~~ Governmental Operations may submit comments and recommendations on the draft Plan to the Secretary within 30 days of the date the draft Plan is submitted by the Secretary."

SECTION 2.54. G.S. 147-16(b) reads as rewritten:

"(b) The Governor shall, unless otherwise requested by any person listed in subdivisions (1) through (4) of this subsection, provide notice of the commutation of any sentence within 20 days after the commutation by first-class mail to the following at the last known address:

(1) The victim or victims of the crime for which the sentence was imposed;

(2) The victims' spouse, children, and parents;

(3) Any other members of the victims' family who request in writing to be notified; and

(4) The Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee~~ Oversight Committee on Justice and Public Safety."

SECTION 2.55. G.S. 147-86.35(a) reads as rewritten:

"(a) The chair of the Commission shall report each year by November 1 to the Joint Legislative Commission on Governmental Operations and to the chairs of the Joint Legislative

1 ~~Health Care Oversight Committee on Health and Human Services~~ regarding implementation of
2 this Article, including a report on funds disbursed during the fiscal year by amount, purpose,
3 and category of recipient, and other information as requested by the Joint Legislative
4 Commission on Governmental Operations. The annual report shall also include a summary of
5 each recipient's annual report submitted to the Health and Wellness Trust Fund Commission
6 pursuant to G.S. 147-86.31(b) and an analysis of progress toward the goals and objectives of
7 any comprehensive, community-based plan established pursuant to G.S. 147-86.30(e)(3). A
8 written copy of the annual report shall also be sent to the Legislative Library by November 1
9 each year. Written reports shall also be sent on a quarterly basis to the Joint Legislative
10 Commission on Governmental Operations."

11 **SECTION 2.56.** G.S. 148-37(c) reads as rewritten:

12 "(c) In addition to the authority contained in subsections (a) and (b) of this section, and
13 in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction
14 may enter into contracts with any public entity or any private nonprofit or for-profit firms for
15 the confinement and care of State prisoners in any out-of-state correctional facility when to do
16 so would most economically and effectively promote the purposes served by the Department of
17 Correction. Contracts entered into under the authority of this subsection shall be for a period
18 not to exceed two years and shall be renewable from time to time for a period not to exceed two
19 years. Prisoners may be sent to out-of-state correctional facilities only when there are no
20 available facilities in this State within the State prison system to appropriately house those
21 prisoners. Any contract made under the authority of this subsection shall be approved by the
22 Department of Administration before the contract is executed. Before expending more than the
23 amount specifically appropriated by the General Assembly for the out-of-state housing of
24 inmates, the Department shall obtain the approval of the Joint Legislative Commission on
25 Governmental Operations and shall report such expenditures to the Chairs of the Senate and
26 House Appropriations Committees, the Chairs of the Senate and House Appropriations
27 Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative
28 ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee
29 on Justice and Public Safety."

30 **SECTION 2.57.** G.S. 148-37(g) reads as rewritten:

31 "(g) The Secretary of Correction may contract with private for-profit or nonprofit firms
32 for the provision and operation of four or more confinement facilities totaling up to 2,000 beds
33 in the State to house State prisoners when to do so would most economically and effectively
34 promote the purposes served by the Department of Correction. This 2,000-bed limitation shall
35 not apply to the 500 beds in private substance abuse treatment centers authorized by the
36 General Assembly prior to July 1, 1995. Whenever the Department of Correction determines
37 that new prison facilities are required in addition to existing and planned facilities, the
38 Department may contract for any remaining beds authorized by this section before constructing
39 State-operated facilities.

40 Contracts entered under the authority of this subsection shall be for a period not to exceed
41 10 years, shall be renewable from time to time for a period not to exceed 10 years. The
42 Secretary of Correction shall enter contracts under this subsection only if funds are
43 appropriated for this purpose by the General Assembly. Contracts entered under the authority
44 of this subsection may be subject to any requirements for the location of the confinement
45 facilities set forth by the General Assembly in appropriating those funds.

46 Once the Department has made a determination to contract for additional private prison
47 beds, it shall issue a request for proposals within 30 days of the decision. The request for
48 proposals shall require bids to be submitted within two months, and the Department shall award
49 contracts at the earliest practicable date after the submission of bids. The Secretary of
50 Correction, in consultation with the Chairs of the Joint Legislative ~~Corrections, Crime Control,~~
51 ~~and Juvenile Justice Oversight Committee~~ on Justice and Public Safety and the Chairs of the

House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars (\$10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction."

SECTION 2.58. G.S. 148-37(i) reads as rewritten:

"(i) The Department of Correction shall make a written report no later than March 1 of every odd-numbered year, beginning in 1997, on the substance of all outstanding contracts for the housing of State prisoners entered into under the authority of this section. The report shall be submitted to the Council of State, the Department of Administration, the Joint Legislative Commission on Governmental Operations, and the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~ Oversight Committee on Justice and Public Safety. In addition to the report, the Department of Correction shall provide information on contracts for the housing of State prisoners as requested by these groups."

SECTION 2.59. G.S. 150B-21.11 reads as rewritten:

"§ 150B-21.11. Procedure when Commission approves permanent rule.

When the Commission approves a permanent rule, it must notify the agency that adopted the rule of the Commission's approval, deliver the approved rule to the Codifier of Rules, and include the text of the approved rule and a summary of the rule in its next report to the Joint ~~Legislative Administrative Procedure Oversight~~ Regulatory Reform Committee.

If the approved rule will increase or decrease expenditures or revenues of a unit of local government, the Commission must also notify the Governor of the Commission's approval of the rule and deliver a copy of the approved rule to the Governor by the end of the month in which the Commission approved the rule."

SECTION 2.60. G.S. 150B-21.12(d) reads as rewritten:

1 "(d) Return of Rule. – A rule to which the Commission has objected remains under
2 review by the Commission until the agency that adopted the rule decides not to satisfy the
3 Commission's objection and makes a written request to the Commission to return the rule to the
4 agency. When the Commission returns a rule to which it has objected, it must notify the
5 Codifier of Rules of its action and must send a copy of the record of the Commission's review
6 of the rule to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform
7 Committee in its next report to that Committee. If the rule that is returned would have increased
8 or decreased expenditures or revenues of a unit of local government, the Commission must also
9 notify the Governor of its action and must send a copy of the record of the Commission's
10 review of the rule to the Governor. The record of review consists of the rule, the Commission's
11 letter of objection to the rule, the agency's written response to the Commission's letter, and any
12 other relevant documents before the Commission when it decided to object to the rule."

13 **SECTION 2.61.** G.S. 150B-21.16 reads as rewritten:

14 "**§ 150B-21.16. Report to Joint ~~Legislative Administrative Procedure Oversight~~**
15 **~~Committee~~Regulatory Reform Committee.**

16 The Commission must make monthly reports to the Joint ~~Legislative Administrative~~
17 ~~Procedure Oversight~~Regulatory Reform Committee. The reports are due by the last day of the
18 month. A report must include the rules approved by the Commission at its meeting held in the
19 month in which the report is due and the rules the Commission returned to agencies during that
20 month after the Commission objected to the rule. A report must include any other information
21 requested by the Joint Legislative Administrative Procedure Oversight Committee. When the
22 Commission sends a report to the Joint ~~Legislative Administrative Procedure~~
23 ~~Oversight~~Regulatory Reform Committee, the Commission must send a copy of the report to the
24 Codifier of Rules."

25 **SECTION 2.62.** G.S. 159B-30.1 reads as rewritten:

26 "**§ 159B-30.1. Additional reports.**

27 Beginning March 1, 1996, and annually thereafter, each joint agency operating under the
28 authority of Chapter 159B of the General Statutes shall file a report with the Joint Legislative
29 ~~Utility Review Committee~~Commission on Governmental Operations describing the activities of
30 the joint agency carried out pursuant to the authority granted by G.S. 159B-2, 159B-11(19b),
31 159B-12 and 159B-17(c). The report shall cover the preceding calendar year. Each joint agency
32 shall file such additional reports as the Joint Legislative ~~Utility Review Committee~~Commission
33 on Governmental Operations shall request."

34 35 **PART III. EFFECTIVE DATE**

36 **SECTION 3.** Unless otherwise provided, this act is effective when it becomes law.



HOUSE BILL 595: Reorganization/Legislative Oversight Comms

2011-2012 General Assembly

Committee:	Senate Program Evaluation	Date:	June 6, 2011
Introduced by:	Reps. Barnhart, Burr	Prepared by:	Hal Pell
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *This act makes changes to the Legislative Services Commission, the Joint Legislative Commission on Governmental Operations, the Joint Regulatory Reform Committee, and other legislative oversight committees and commissions.*

BILL ANALYSIS:

This act amends the laws relating to legislative oversight, with some of the significant changes noted:

- Legislative Services Commission. – Change from 14 members to 10 members, with the President Pro Tempore and the Speaker having the authority to designate a member to act in their place as Co-Chair. Where action of the Commission is required for approval, action by the President Pro Tempore of the Senate and by the Speaker of the House of Representatives constitutes approval of the Commission.
- Joint Legislative Commission on Governmental Operations. – Commission enlarged from 38 to 42 members. The President Pro Tempore and Speaker appoint 21 members each, five of which are to be from the minority party.
 - To examine, on a continuing basis, capital improvements approved and undertaken for State facilities and institutions and to have oversight over implementation of the six year capital improvements plan developed pursuant to G.S. 143C 8 5.
 - To establish a subcommittee to evaluate the need for any new licensing board by establishing criteria and procedures for reviewing proposed licensing boards.
 - To evaluate the North Carolina Utilities Commission.
- Joint Regulatory Reform Commission. –
 - Review rules to which the Rules Review Commission has objected to determine if statutory changes are needed to enable the agency to fulfill the intent of the General Assembly.
 - Review the activities of State occupational licensing boards to determine if the boards are operating in accordance with statutory requirements and if the boards are still necessary to achieve the purposes for which they were created.
- Reconstitutes the Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee into a new oversight body, the Joint Legislative Oversight Committee on Justice and Public Safety. The Committee will have 22 members, with 11 appointed by the President Pro Temp and the Speaker, with 3 members from each House from the minority party. Repeals the statute creating the Joint Legislative Committee on Domestic Violence and merges its duties and responsibilities under the new Committee.

House Bill 595

Page 2

- Creates a Joint Legislative Oversight Committee on Health and Human Services, and transfers the duties of the following commissions and committees are transferred to the Committee:
 - North Carolina Study Commission on Aging.
 - Joint Legislative Health Care Oversight Committee.
 - Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.
 - Public Health Study Commission.
- Creates a Joint Legislative Transportation Oversight Committee with 22 members, and amends the powers of the Committee to include the study of railroad-related issues.
- Renames the Joint Legislative Commission on Municipal Incorporations to the Joint Legislative Committee on Local Government.
 - Provides for 14 total members—7 from each chamber, and at least 1 from each chamber must be a former city or county commissioner, city or county manager, or other city or county elected official.
 - Establishes that the purpose of the Committee is to review and monitor local government capital projects that are required to go before the Local Government Commission and require debt to be issued over \$1,000,000, with the exception of school, jails, courthouses, and administrative buildings.
 - Creates the Municipal Incorporations Subcommittee.
- Joint Legislative Economic Development Oversight Committee
 - Increases the number of members from 12 to 22—11 from each chamber, and at least 3 must be members of the minority party.
 - Amends the duties of the Committee to require that it request a Department of Commerce report on the effectiveness of various economic development programs.

EFFECTIVE DATE: This act is effective when it becomes law unless otherwise stated.

H595-SMRK-108(e2) v1



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 595

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

H595-ALG-80 [v.1]

Page 1 of 1

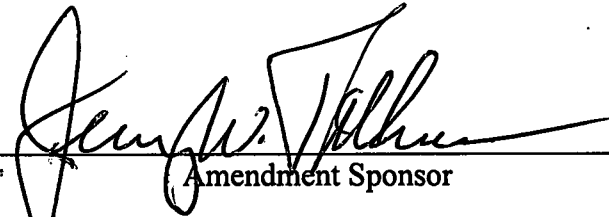
Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____, 2011

Senator Tillman

- 1 moves to amend the bill on page 15, line 7,
2 by deleting the word "Commission" and substituting "Subcommittee".
3
4

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* H 5 9 5 - A L G - 8 0 - V - 1 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 595

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

H595-ALG-5 [v.2]

Page 1 of 2

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

Date _____, 2011

Senator _____

1 moves to amend the bill on page 8, line 29, by rewriting that line to read:

2 "(10) Study the needs of juveniles. This study may include, but is not limited to:

3 a. Determining the adequacy and appropriateness of services:

4 1. To children and youth receiving child welfare services;

5 2. To children and youth in the juvenile court system;

6 3. Provided by the Division of Social Services and the
7 Department of Juvenile Justice and Delinquency Prevention;

8 4. To children and youth served by the Mental Health,
9 Developmental Disabilities, and Substance Abuse Services
10 system.

11 b. Developing methods for identifying and providing services to
12 children and youth not receiving but in need of child welfare
13 services, children and youth at risk of entering the juvenile court
14 system, and children and youth exposed to domestic violence
15 situations.

16 c. Identifying obstacles to ensuring that children who are in secure or
17 nonsecure custody are placed in safe and permanent homes within a
18 reasonable period of time and recommending strategies for
19 overcoming those obstacles. The Commission shall consider what, if
20 anything, can be done to expedite the adjudication and appeal of
21 abuse and neglect charges against parents so that decisions may be
22 made about the safe and permanent placement of their children as
23 quickly as possible.

24 (11) Evaluate problems associated with juveniles who are beyond the disciplinary
25 control of their parents, including juveniles who are runaways, and develop
26 solutions for addressing the problems of those juveniles.

27 (12) Identify strategies for the development and funding of a comprehensive
28 statewide database relating to children and youth to facilitate State agency
29 planning for delivery of services to children and youth.

30 (13) Study any other matter that the Committee considers necessary.";
31

32 And on page, 10, lines 1 through 31, by rewriting those lines to read:



* H 5 9 5 - A L G - 5 - V - 2 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 595

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

H595-ALG-5 [v.2]

Page 2 of 2

1
2
3
4
5

- a. Developing strategies for addressing the issues of school dropout,
teen suicide, and adolescent pregnancy.
- b. Identifying and evaluating the impact on children and youth of other
economic and environmental issues."

SIGNED _____


Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

D

SENATE BILL 593
PROPOSED COMMITTEE SUBSTITUTE S593-PCS15171-LG-11

Short Title: Government Reduction Act.

(Public)

Sponsors:

Referred to:

April 14, 2011

A BILL TO BE ENTITLED
AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE
BOARDS, COMMISSIONS, AND COMMITTEES.

The General Assembly of North Carolina enacts:

**PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS
THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED
CRITICAL**

ADVISORY COMMITTEE ON ABANDONED CEMETERIES

SECTION 1.1. Part 26 of Chapter 143B of the General Statutes, G.S. 143B-128, is repealed.

ADVISORY COUNCIL FOR THE PUBLIC CAMPAIGN FINANCING FUND

SECTION 1.2.(a) G.S. 163-278.68 is repealed.

SECTION 1.2.(b) G.S. 163-278.63(c) reads as rewritten:

"§ 163-278.63. North Carolina Public Campaign Fund established; sources of funding.

...
(c) Determination of Fund Amount. – By October 1, 2003, and every two years thereafter, the ~~Board, in conjunction with the Advisory Council for the Public Campaign Financing Fund,~~ Board shall prepare and provide to the Joint Legislative Commission on Governmental Operations of the General Assembly a report documenting, evaluating, and making recommendations relating to the administration, implementation, and enforcement of this Article. In its report, the Board shall set out the funds received to date and the expected needs of the Fund for the next election."

ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE

SECTION 1.3. Part 28 of Article 2 of Chapter 143B of the General Statutes, G.S. 143B-132, is repealed.

AQUACULTURE ADVISORY BOARD

SECTION 1.4. G.S. 106-760 is repealed.

BUTNER LANDS COMMISSION



* 5 5 9 3 - P C S 1 5 1 7 1 - L G - 1 1 *

1 **SECTION 1.5.** G.S. 122C-415 is repealed.

2
3 **COORDINATION OF CHILDREN'S SERVICES STUDY COMMISSION**

4 **SECTION 1.6.** Subsections (i) and (j) of Section 10.25 of S.L. 2005-276 are
5 repealed.

6
7 **GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH**

8 **SECTION 1.7.** Part 17 of Article 9 of Chapter 143B of the General Statutes,
9 G.S. 143B-414 through G.S. 143B-416, is repealed.

10
11 **GOVERNOR'S BUSINESS COUNCIL ON THE ARTS AND HUMANITIES**

12 **SECTION 1.8.** The Governor's Business Council on the Arts and Humanities is
13 abolished.

14
15 **INFORMATION TECHNOLOGY ADVISORY BOARD**

16 **SECTION 1.9.(a)** G.S. 147-33.72G is repealed.

17 **SECTION 1.9.(b)** G.S. 147-33.72A(4) reads as rewritten:

18 **"§ 147-33.72A. Purpose.**

19 The purposes of this Article are to:

20 ...

21 (4) ~~Create an Information Technology Advisory Board.~~

22 "

23 **SECTION 1.9.(c)** G.S. 147-33.72H reads as rewritten:

24 **"§ 147-33.72H. Information Technology Fund.**

25 There is established a special revenue fund to be known as the Information Technology
26 Fund, which may receive transfers or other credits as authorized by the General Assembly.
27 Money may be appropriated from the Information Technology Fund to meet statewide
28 requirements, including planning, project management, security, electronic mail, State portal
29 operations, and the administration of systemwide procurement procedures. Expenditures
30 involving funds appropriated to the Office of Information Technology Services from the
31 Information Technology Fund shall be made by the ~~State CIO in consultation with the~~
32 ~~Information Technology Advisory Board.~~CIO. By October 1 of each year, the State CIO shall
33 submit to the Joint Legislative Oversight Committee on Information Technology a report on all
34 expenditures involving funds appropriated to the Office of Information Technology Services
35 from the Information Technology Fund for the preceding fiscal year. Interest earnings on the
36 Information Technology Fund balance shall be credited to the Information Technology Fund."

37 **SECTION 1.9.(d)** G.S. 147-33.82(a)(3) reads as rewritten:

38 **"§ 147-33.82. Functions of the Office of Information Technology Services.**

39 (a) In addition to any other functions required by this Article, the Office of Information
40 Technology Services shall:

41 ...

42 (3) Conduct an annual assessment of State agencies for compliance with
43 statewide policies for information technology ~~and submit for review of the~~
44 ~~Information Technology Advisory Board recommended statewide policies~~
45 ~~for information technology.~~

46 "

47 **SECTION 1.9.(e)** G.S. 147-33.110 reads as rewritten:

48 **"§ 147-33.110. Statewide security standards.**

49 The State Chief Information Officer shall establish a statewide set of standards for
50 information technology security to maximize the functionality, security, and interoperability of
51 the State's distributed information technology assets, including communications and encryption

technologies. The State CIO shall review and revise the security standards annually. As part of this function, the State Chief Information Officer shall review periodically existing security standards and practices in place among the various State agencies to determine whether those standards and practices meet statewide security and encryption requirements. The State Chief Information Officer may assume the direct responsibility of providing for the information technology security of any State agency that fails to adhere to security standards adopted under this Article. ~~Any actions taken by the State Chief Information Officer under this section shall be reported to the Information Technology Advisory Board at its next scheduled meeting.~~

LEGISLATIVE INTERN PROGRAM COUNCIL

SECTION 1.10. G.S. 120-56 is repealed.

NORTH CAROLINA CAPITAL PLANNING COMMISSION

SECTION 1.11.(a) Part 3 of Article 9 of Chapter 143B of the General Statutes, being G.S. 143B-373 and G.S. 143B-374, is repealed.

SECTION 1.11.(b) G.S. 140-5.14(12) reads as rewritten:

"§ 140-5.14. Board of Trustees – powers and duties.

The Board of Trustees shall be the governing body of the North Carolina Museum of Art and shall have the following powers and duties:

- ...
- (12) To determine the sites for expansion of the North Carolina Museum of Art with the approval of the Governor and Council of State ~~and the North Carolina State Capital Planning Commission; State;~~

...."

NORTH CAROLINA LOCAL GOVERNMENT ADVOCACY COUNCIL

SECTION 1.12. G.S. 143-506.14 is repealed.

NORTH CAROLINA PUBLIC RADIO ADVISORY COMMITTEE – AGENCY ON PUBLIC TELECOMMUNICATIONS

SECTION 1.13.(a) G.S. 143B-426.12 is repealed.

SECTION 1.13.(b) G.S. 143B-426.9 reads as rewritten:

"§ 143B-426.9. North Carolina Agency for Public Telecommunications – Creation; membership; appointments, terms and vacancies; officers; meetings and quorum; compensation.

The North Carolina Agency for Public Telecommunications is created. It is governed by the Board of Public Telecommunications Commissioners, composed of ~~27-26~~ members as follows:

- (1) A Chairman appointed by, and serving at the pleasure of, the Governor;
- (2) Ten at-large members, appointed by the Governor from the general public;
- (3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;
- (4) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;
- (5) The Secretary of Administration, ex officio;
- (6) The Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;
- (7) The Chairman of the State Board of Education, ex officio;
- (8) The Chairman of the OPEN/net Committee, ex officio, so long as such person is not a State employee;

- (9) The Chairman of the North Carolina Utilities Commission, ex officio;
(10) The Director of the Public Staff of the North Carolina Utilities Commission, ex officio;
~~(11) The Chairman of the Public Radio Advisory Committee of the North Carolina Agency for Public Telecommunications, ex officio;~~
(12) The Superintendent of Public Instruction, ex officio;
(13) The President of the University of North Carolina, ex officio;
(14) The President of the Community Colleges System, ex officio; and
(15) Two members ex officio who shall rotate from among the remaining heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by the Governor.

The 10 at-large members shall serve for terms staggered as follows: four terms shall expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and until their successors are appointed and qualified. In making appointments of members at large, the Governor shall seek to appoint persons from the various geographic areas of the State including both urban and rural areas; persons from various classifications as to sex, race, age, and handicapped persons; and persons who are representatives of the public broadcast, commercial broadcast, nonbroadcast distributive systems and private education communities of the State.

The terms of the ex officio members are coterminous with their respective terms of office. In the event that any of the offices represented on the Board ceases to exist, the successor officer to the designated member shall become an ex officio member of the Board; if there shall be no successor, then the position on the Board shall be filled by a member to be appointed by the Governor from the general public. The ex officio members shall have the right to vote.

The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years.

The terms of the rotating ex officio members shall be of one-year duration, and the schedule of rotation is determined by the Governor.

Each State official who serves on the Board may designate a representative of his department, agency or institution to sit in his place on the Board and to exercise fully the official's privileges of membership.

The Secretary of Administration or his designee serves as secretary of the Board.

Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the original appointment.

The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

The Board meets quarterly and at other times at the call of the chairman or upon written request of at least six members.

A majority of the Board members shall constitute a quorum for the transaction of business."

NORTH CAROLINA RAIL COUNCIL

SECTION 1.14. Part 9 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-361 through G.S. 143B-363, is repealed.

PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE

SECTION 1.15. G.S. 120-70.108 is repealed.

PUBLIC HEALTH STUDY COMMISSION

SECTION 1.16.(a) Article 22 of Chapter 120 of the General Statutes, G.S. 120-195 through G.S. 120-203, is repealed.

SECTION 1.16.(b) G.S. 130A-40.1(b) reads as rewritten:

"§ 130A-40.1. Pilot program for nurse as health director.

...

(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. ~~The Secretary of Health and Human Services shall report any approval under this section to the Public Health Study Commission."~~

SUBSTANCE ABUSE ADVISORY COUNCIL

SECTION 1.17.(a) Part 5 of Article 6A of Chapter 143B of the General Statutes, G.S. 143B-270 and G.S. 143B-271, is repealed.

SECTION 1.17.(b) G.S. 148-19(d) reads as rewritten:

"§ 148-19. Health services.

...

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of ~~Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270.~~Correction. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

TASK FORCE ON SCHOOL-BASED MANAGEMENT

SECTION 1.18. G.S. 115C-105.31 is repealed.

TASK FORCE ON THE COORDINATION OF CHILDREN'S SERVICES

SECTION 1.19.(a) G.S. 120-221 is repealed.

SECTION 1.19.(b) G.S. 120-217(c) reads as rewritten:

"§ 120-217. Commission membership; terms; compensation.

...

(c) Commission members shall receive no salary as a result of serving on the Commission ~~and the Task Force on the Coordination of Children's Services~~ but shall receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable."

SECTION 1.19.(c) G.S. 120-218(c) reads as rewritten:

"§ 120-218. Commission meetings; public hearings; staff.

...

(c) The Commission may contract for clerical or professional staff or for any other services it may require in the course of its ongoing study. At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services

Office and clerical assistance to the Commission as the Legislative Services Commission considers appropriate. The Commission ~~and the Task Force on the Coordination of Children's Services~~ may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building."

SECTION 1.19.(d) G.S. 120-220 reads as rewritten:

"§ 120-220. Commission authority.

The Commission ~~and the Task Force on the Coordination of Children's Services~~ has the authority to obtain information and data from all State officers, agents, agencies, and departments, while in discharge of its duties, pursuant to G.S. 120-19, as if it were a committee of the General Assembly."

PETROLEUM UNDERGROUND STORAGE TANK FUND COUNCIL

SECTION 1.20.(a) G.S. 143-215.94O is repealed.

SECTION 1.20.(b) G.S. 143-215.94A reads as rewritten:

"§ 143-215.94A. Definitions.

Unless a different meaning is required by the context, the following definitions shall apply throughout this Part and Part 2B of this Article:

...

(3) ~~"Council" means the North Carolina Petroleum Underground Storage Tank Funds Council.~~

...."

SECTION 1.20.(c) G.S. 143-215.94I reads as rewritten:

"§ 143-215.94I. Insurance pools authorized; requirements.

...

(1) The Department of Insurance, in consultation with ~~the Petroleum Underground Storage Tank Funds Council~~ and the Department of Environment and Natural Resources, shall provide guidance and technical assistance for the formation of an insurance pool pursuant to G.S. 143-215.94I to any responsible entity that requests assistance."

NORTH CAROLINA AERONAUTICS COUNCIL

SECTION 1.21.(a) G.S. 143B-356 and G.S. 143B-357 are repealed.

SECTION 1.21.(b) The title of Part 5 of Article 8 of Chapter 143B of the General Statutes reads as rewritten:

~~"Part 5. Division of Aeronautics—Aeronautics Council—Aeronautics."~~

SECTION 1.21.(c) G.S. 63-66 reads as rewritten:

"§ 63-66. Administration of Article; powers of Department of Transportation.

The Department of Transportation shall carry out the provisions of this Article. In exercising such power, the Department shall:

- (1) Promote the further development and improvement of air routes, airport facilities, seaplane bases, heliports, protect their approaches and stimulate the development of aviation, commerce and air facilities. In exercising this power, the Department shall prepare and develop goals, objectives, standards and policies for the most efficient and economical expenditure of State funds as may be appropriated for the purposes of this Article.
- (2) Publish and make available to aviation interests, the Federal Aviation Administration, and the people of the State generally, current information regarding such criteria, standards, and policies.
- (3) Prepare and keep current a State airport plan and submit annual revisions of that plan to the Federal Aviation Administration.

- 1 (4) Make a detailed and thorough study of all applications for State assistance
2 authorized herein and make specific recommendations regarding
3 applications to the Federal Aviation Administration for federal grants.
4 (5) Develop a plan of priorities and allocations of State funds to be revised
5 annually.
6 (6) Represent the State before all federal agencies and elsewhere where the
7 aviation interests of the State may be affected.
8 (7) Subject to the availability of funds for the purpose, promote aviation safety
9 throughout the State and conduct such promotional, educational and other
10 programs as may be necessary to keep the people of the State properly
11 informed with respect to aviation and to further aeronautics generally
12 throughout the State.

13 ~~In exercising the powers and performing the duties herein provided for by this section, the~~
14 ~~Department of Transportation shall consult with and seek the advice of the aeronautics~~
15 ~~council."~~

17 FUTURE OF THE NORTH CAROLINA RAILROAD STUDY

18 SECTION 1.22. Article 28 of Chapter 120 of the General Statutes, G.S. 120-245
19 through G.S. 120-255, is repealed.

21 LEGISLATIVE SERVICES COMMISSION SUBCOMMITTEE ON EXPENDITURE 22 MODEL

23 SECTION 1.23. Sections 7.1 and 7.2 of Chapter 17 of the 1995 Session Laws,
24 Second Extra Session 1996, are repealed.

26 NORTH CAROLINA PUBLIC EMPLOYEE SPECIAL PAY PLAN BOARD OF 27 TRUSTEES

28 SECTION 1.24. Part 29 of Article 9 of Chapter 143B of the General Statutes,
29 G.S. 143B-426.41, is repealed.

31 ROANOKE RIVER BASIN ADVISORY COMMITTEE

32 SECTION 1.25.(a) Part 2 of Article 7 of Chapter 77 of the General Statutes,
33 G.S. 77-103 through G.S. 77-109, is repealed.

34 SECTION 1.25.(b) The title of Article 7 of Chapter 77 of the General Statutes
35 reads as rewritten:

36 "Article 7.

37 Roanoke River Basin Bi-State Commission; ~~Roanoke River Basin Advisory~~
38 ~~Committee.~~ Commission.

39 Part 1. Roanoke River Basin Bi-State Commission."
40

41 NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS 42 FINANCING AGENCY – TRANSFER DUTIES AND FUNCTIONS TO THE CLEAN 43 WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

44 SECTION 1.26.(a) G.S. 159I-3 reads as rewritten:

45 "§ 159I-3. Definitions.

46 (a) Unless a different meaning is required by the context, the following definitions shall
47 apply throughout this Chapter:

- 48 (1) ~~"Administrative charges" means any charge made by the Agency to a unit of~~
49 ~~local government for the providing of financing pursuant to this Chapter and~~
50 ~~may include, without limitation, charges for financing costs, charges for the~~
51 ~~costs of bond and reserve fund insurance, of credit enhancement and~~

- liquidity facilities, and of interest rate agreements, charges in respect of nonasset bond and investment income deficiencies, and charges for administrative expenses of the Agency incurred in the exercise of its powers and duties conferred by this Chapter.
- (2) ~~"Agency" means the North Carolina Solid Waste Management Capital Projects Financing Agency.~~
- (3) ~~"Board" means the board of directors of the Agency or any other governing body of the Agency succeeding to the principal functions of the Agency. Clean Water Management Trust Fund Board of Trustees.~~
- (4) "Bonds" means the revenue bonds authorized to be issued by the Agency Board under this Chapter. As used in this Chapter, the term "bonds" does not include any loan agreement.
- (5) "Costs" means the capital cost of acquiring or constructing any project, including, without limitation, the following:
- a. The costs of doing any or all of the following deemed necessary or convenient by a unit of local government:
 1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping;
 2. Reconstructing, remodeling, altering, renovating, replacing, refurnishing, and re-equipping;
 3. Enlarging, expanding, and extending; and
 4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.
 - b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with the purpose authorized;
 - c. The costs of demolishing or moving structures from land acquired and acquiring any lands to which such structures thereafter are to be moved;
 - d. Financing charges, including estimated interest during the acquisition or construction of such project and for six months thereafter;
 - e. The costs of services to provide and the cost of plans, specifications, studies and reports, surveys, and estimates of costs and revenues;
 - f. The costs of paying any interim financing, including principal, interest, and premium, related to the acquisition or construction of a project;
 - g. Administrative and legal expenses and administrative charges;
 - h. The costs of obtaining bond and reserve fund insurance and investment contracts, of credit-enhancement facilities, liquidity facilities and interest-rate agreements, and of establishing and maintaining debt service and other reserves; and
 - i. Any other services, costs, and expenses necessary or incidental to the purpose authorized.
- (6) "Division" means the Division of Waste Management of the Department of Environment and Natural Resources and any successor of the Division of Waste Management.
- (7) "Loan" means moneys loaned by the Agency Board to a unit of local government for a project authorized by this Chapter.

- 1 (8) "Loan agreement" means any bond, note, contract, loan agreement, or other
2 written agreement of a unit of local government delivered to the Agency and
3 evidencing the unit's receipt of loan proceeds from the sale of all or a portion
4 of the Agency's bonds or from other available money of the Agency and
5 setting forth the terms of the unit's agreement to make payments to the
6 ~~Agency Board~~ in respect of such loan.
- 7 (9) "Local Government Commission" means the Local Government
8 Commission of the Department of the State Treasurer, established by Article
9 2 of Chapter 159 of the General Statutes and any successor of said
10 Commission.
- 11 (10) "Notes" means the revenue notes or revenue bond anticipation notes
12 authorized to be issued by the ~~Agency Board~~ under this Chapter. As used in
13 this Chapter, the term "notes" does not include any loan agreement.
- 14 (11) "Project" means any capital project authorized to be financed in G.S. 159I-8.
- 15 (12) "Revenues" means all moneys received by the Agency, other than the
16 proceeds received by the ~~Agency Board~~ from the sale of bonds or notes and
17 moneys appropriated by the State for the Solid Waste Management Loan
18 Fund, in connection with the providing of financing to units of local
19 government, including without limitation:
- 20 a. The payments received by the ~~Agency Board~~ of the principal of and
21 premium, if any, and interest on loan agreements;
- 22 b. Administrative charges, but only to the extent determined by the
23 ~~Agency Board~~; and
- 24 c. Investment earnings on all revenues, funds, and other moneys of the
25 ~~Agency Board~~.
- 26 (13) "Unit of local government" or "unit" means:
- 27 a. A unit of local government as defined in G.S. 159-44(4);
- 28 b. Any combination of units, as defined in G.S. 160A-460(2), entering
29 into a contract or agreement with each other under G.S. 160A-461;
- 30 c. Any joint agency established under G.S. 160A-462; as any such
31 section may be amended from time to time;
- 32 d. Any regional solid waste management authority created pursuant to
33 G.S. 153A-421; or
- 34 e. A consolidated city-county as defined by G.S. 160B-2(1), including
35 such a consolidated city-county acting with respect to an urban
36 service district defined by a consolidated city-county.
- 37 (b) Unless a different meaning is required by the context, the definitions set out in
38 G.S. 130A-290, as such section may be amended from time to time, shall apply throughout this
39 Chapter."

40 **SECTION 1.26.(b)** G.S. 159I-4 is repealed.

41 **SECTION 1.26.(c)** The Revisor of Statutes is authorized to change the word
42 "Agency" to the word "Board" where it appears in Chapter 159I of the General Statutes.

43 44 **NORTH CAROLINA BICYCLE COMMITTEE**

45 **SECTION 1.27.** G.S. 136-71.13 is repealed.

46 47 **JOINT LEGISLATIVE COMMISSION ON FUTURE STRATEGIES FOR NORTH** 48 **CAROLINA**

49 **SECTION 1.28.(a)** Article 13B of Chapter 120 of the General Statutes,
50 G.S. 120-84.6 through G.S. 120-84.12, is repealed.

51 **SECTION 1.28.(b)** G.S. 143-318.14A reads as rewritten:

"§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

...

(12) ~~The Joint Legislative Commission on Future Strategies for North Carolina;~~

...."

JOINT BROADBAND TASK FORCE

SECTION 1.29. Section 6.18(e) of S.L. 2010-31 reads as rewritten:

"**SECTION 6.18.(e)** Beginning December 1, 2010, the Task Force shall provide quarterly reports to the Joint Legislative Oversight Committee on Information Technology and shall terminate upon filing its final ~~report.~~ report on or before July 1, 2011."

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 1.30.(a) Article 25 of Chapter 120 of the General Statutes, G.S. 120-226, is repealed.

SECTION 1.30.(b) G.S. 114-19.01 reads as rewritten:

"§ 114-19.01. Study and report on use of pseudoephedrine products to make methamphetamine.

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, ~~the Legislative Commission on Methamphetamine Abuse,~~ and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

SECTION 1.31.(a) Part 2 of Article 1B of Chapter 130A of the General Statutes, G.S. 130A-33.40 and G.S. 130A-33.41, is repealed.

SECTION 1.31.(b) G.S. 143B-138.1 reads as rewritten:

"§ 143B-138.1. Department of Health and Human Services – functions and organization.

...

(d) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Environment, Health, and Natural Resources are transferred to and vested in the Department of Health and Human Services by a Type II transfer, as defined in G.S. 143A-6:

(1) Commission for Public Health.

(2) Council on Sickle Cell Syndrome.

(3) ~~Governor's Council on Physical Fitness and Health.~~

(4) Commission of Anatomy.

(5) Minority Health Advisory Council.

(6) Advisory Committee on Cancer Coordination and Control.

...."

JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE WASTE

SECTION 1.32.(a) Article 12C of Chapter 120 of the General Statutes, G.S. 120-70.31 through G.S. 120-70.37, is repealed.

1 **SECTION 1.32.(b)** G.S. 120-70.43(a)(7) reads as rewritten:

2 **"§ 120-70.43. Powers and duties.**

3 (a) The Environmental Review Commission shall have the following powers and
4 duties:

5 ...

6 (7) To undertake such additional studies as it deems appropriate or as may from
7 time to time be requested by the President Pro Tempore of the Senate, the
8 Speaker of the House of Representatives, either house of the General
9 Assembly, the Legislative Research Commission, the Joint Legislative
10 Commission on Governmental Operations, or the Joint Legislative Utility
11 Review Committee, or the Joint Select Committee on Low-Level
12 Radioactive Waste and to make such reports and recommendations to the
13 General Assembly regarding such studies as it deems appropriate; provided
14 that the Environmental Review Commission shall not undertake any study
15 which the General Assembly has assigned to another legislative commission
16 or committee.

17 "

18
19 **EXECUTIVE MANSION FINE ARTS COMMITTEE**

20 **SECTION 1.33.(a)** Part 10 of Article 2 of Chapter 143B of the General Statutes,
21 G.S. 143B-79 through G.S. 143B-80.1, is repealed. The Executive Mansion Incorporated Board
22 of Directors is authorized to perform the functions of this Committee.

23 **SECTION 1.33.(b)** G.S. 143B-51 reads as rewritten:

24 **"§ 143B-51. Functions of the Department.**

25 ...

26 (b) All such functions, powers, duties, and obligations heretofore vested in any agency
27 enumerated in Article 17 of Chapter 143A of the General Statutes are hereby transferred to and
28 vested in the Department of Cultural Resources except as otherwise provided by the Executive
29 Organization Act of 1973. They shall include, by way of extension and not of limitation, the
30 functions of:

31 ...

32 ~~(16) The Executive Mansion Fine Arts Commission;~~

33 "

34 **SECTION 1.33.(c)** G.S. 143B-53 reads as rewritten:

35 **"§ 143B-53. Organization of the Department.**

36 The Department of Cultural Resources shall be organized initially to include the Art
37 Commission, the Art Museum Building Commission, the North Carolina Historical
38 Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission,
39 the Sir Walter Raleigh Commission, ~~the Executive Mansion Fine Arts Committee,~~ the
40 American Revolution Bicentennial Committee, the North Carolina Awards Committee, the
41 America's Four Hundredth Anniversary Committee, the North Carolina Arts Council, the
42 Public Librarian Certification Commission, the State Library Commission, the North Carolina
43 Symphony Society, Inc., the North Carolina State Art Society, and the Division of the State
44 Library, the Division of Archives and History, the Division of the Arts, and such other
45 divisions as may be established under the provisions of the Executive Organization Act of
46 1973."

47 **SECTION 1.33.(d)** G.S. 143B-62 reads as rewritten:

48 **"§ 143B-62. North Carolina Historical Commission – creation, powers and duties.**

49 ...

50 (3) The Commission shall adopt rules and regulations consistent with the
51 provisions of this section. All current rules and regulations heretofore

adopted by the Executive Board of the State Department of Archives and History, the Historic Sites Advisory Committee, the North Carolina Advisory Council on Historical Preservation, ~~the Executive Mansion Fine Arts Commission,~~ and the Memorials Commission shall remain in full force and effect unless and until repealed or superseded by action of the Historical Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Cultural Resources."

HEALTH INSURANCE INNOVATIONS COMMISSION

SECTION 1.34. Article 90 of Chapter 58 of the General Statutes, G.S. 58-90-1 through G.S. 58-90-25, is repealed.

BLUE RIBBON TASK FORCE ON THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES

SECTION 1.35.(a) Subsections (d) and (f) of Section 7 of S.L. 2009-16 read as rewritten:

~~"SECTION 7.(d) Upon the convening of each session of the General Assembly, the Task Force shall report its findings and recommendations to the General Assembly, the Governor, and the Committee on Employee Hospital and Medical Benefits. The Task Force shall terminate on or before July 1, 2011.~~

~~"SECTION 7.(f) The Legislative Services Officer shall allocate from a portion of the funds appropriated to the General Assembly for each fiscal year for expenses of the Task Force."~~

SECTION 1.35.(b) G.S. 135-44.4(31) reads as rewritten:

"(31) The Plan shall conduct a monthly review of Plan costs as compared to the same month in the immediately preceding year and a comparison of projected costs and savings to actual costs and savings. The Plan shall report the results of the review to the Committee on Employee Hospital and Medical Benefits ~~and the State Health Plan Blue Ribbon Task Force~~ at least semiannually."

JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION

SECTION 1.36.(a) Section 10 of S.L. 2009-339 reads as rewritten:

~~"SECTION 10. The Commission shall terminate on June 30, 2012, or upon the filing of its final report in accordance with Section 9.(d) of this act. July 1, 2011."~~

SECTION 1.36.(b) Section 2 of S.L. 2010-41 is repealed.

HISTORIC SITES REPAIRS AND RENOVATIONS REVIEW COMMITTEE

SECTION 1.37. Section 29.3(b) of S.L. 1998-212 is repealed.

SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL

SECTION 1.38.(a) Part 15 of Article 7 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 1.38.(b) G.S. 143-215.3A reads as rewritten:

"§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees

collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of the ~~Small Business Environmental Advisory Panel~~, the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses.

...."

COMMITTEE ON STANDARDS AND ACCOUNTABILITY

SECTION 1.39. Subsection (c) of Section 8.27 of S.L. 1997-443 reads as rewritten:

"(c) The North Carolina Standards and Accountability Commission has completed its work and submitted a report to the State Board of Education. Therefore, effective August 1, 1997, Article 8A of Chapter 115C of the General Statutes is repealed.

~~Recognizing the important role of the Commission's work, there is established the Committee on Standards and Accountability. The Committee shall advise the State Board of Education on student performance standards. The Committee shall be composed of 13 members, nine appointed by the Governor, two appointed by the President Pro Tempore of the Senate, and two appointed by the Speaker of the House of Representatives. Of the Governor's nine appointments, one shall be for a chair of the Committee. The chair shall be a person in North Carolina who understands the connection of high and rigorous standards with student preparation for the world of work and other post high school opportunities."~~

NORTH CAROLINA TEACHER ACADEMY BOARD OF TRUSTEES

SECTION 1.40.(a) G.S. 115C-296.4 is repealed.

SECTION 1.40.(b) G.S. 120-123(63) is repealed.

SECTION 1.40.(c) G.S. 126-5(c1)(26) is repealed.

NORTH CAROLINA TEACHING FELLOWS COMMISSION

SECTION 1.41.(a) Effective July 1, 2015, Part 2 of Article 24C of Chapter 115C of the General Statutes, G.S. 115C-363.22 through G.S. 115C-363.23A, is repealed.

SECTION 1.41.(b) Effective July 1, 2015, G.S. 116-204 reads as rewritten:

"§ 116-204. Powers of Authority.

The Authority is hereby authorized and empowered:

...

(9) ~~To collect loan repayments for loans awarded under the Teaching Fellows Program pursuant to G.S. 115C-363.23A if the loan repayment is outstanding for more than 30 days.~~

...."

SECTION 1.41.(c) Effective July 1, 2015, G.S. 120-123(45a) is repealed.

NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION

SECTION 1.42. G.S. 115C-295.1 and G.S. 115C-295.2 are repealed.

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

1 **SECTION 2.** For the following State boards, committees, and commissions where
2 statutory requirements have been met, these bodies are no longer authorized to meet, provide
3 recommendations, or operate in any capacity.

4
5 **JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING**
6 **FORMULAS**

7 **SECTION 2.1.** The statutory requirements for the Joint Legislative Study
8 Committee on Public School Funding Formulas, established by S.L. 2010-31, have been met.

9
10 **HIGHER EDUCATION CIVIC EDUCATION STUDY COMMISSION**

11 **SECTION 2.2.** The statutory requirements for the Higher Education Civic
12 Education Study Commission, established by S.L. 2008-181, have been met.

13
14 **JOINT LEGISLATIVE COMMITTEE ON DROPOUT PREVENTION AND HIGH**
15 **SCHOOL GRADUATION**

16 **SECTION 2.3.** The statutory requirements of the Joint Legislative Committee on
17 Dropout Prevention and High School Graduation, established by S.L. 2007-323, have been met.

18
19 **ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND**
20 **DISCLOSURE**

21 **SECTION 2.4.** The statutory requirements of the Advisory Commission on
22 Hospital Infection Control and Disclosure, established by S.L. 2007-480, have been met.

23
24 **JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND**
25 **DISASTER MANAGEMENT RECOVERY**

26 **SECTION 2.5.** The statutory requirements of the Joint Select Committee on
27 Emergency Preparedness and Disaster Management Recovery, established by S.L. 2008-181,
28 have been met.

29
30 **PARTITION SALES STUDY COMMITTEE**

31 **SECTION 2.6.** The statutory requirements of the Partition Sales Study Committee,
32 established by S.L. 2008-181, have been met.

33
34 **NORTH CAROLINA NATIONAL GUARD PENSION FUND STUDY COMMITTEE**

35 **SECTION 2.7.** The statutory requirements of the North Carolina National Guard
36 Pension Fund Study Committee, established by S.L. 2008-181, have been met.

37
38 **NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATIONAL**
39 **ADVISORY COUNCIL**

40 **SECTION 2.8.** The statutory requirements of the North Carolina Professional
41 Employer Organizational Advisory Council, established by S.L. 2004-162, have been met.

42
43 **LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE**

44 **SECTION 2.9.** The statutory requirements of the Legislative Commission on
45 Global Climate Change, established by S.L. 2005-442, have been met.

46
47 **LEGISLATIVE STUDY COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS**

48 **SECTION 2.10.** The statutory requirements of the Legislative Study Committee on
49 Public-Private Partnerships, established by S.L. 2010-152, have been met.

50
51 **SENATE SELECT COMMITTEE ON GOVERNMENT AND ELECTION REFORM**

SECTION 2.11. The statutory requirements of the Senate Select Committee on Government and Election Reform, established pursuant to G.S. 120-19.6, have been met.

JOINT SELECT COMMITTEE ON CAPITAL TRIAL, SENTENCING, AND POST-CONVICTION PROCEDURES FOR PERSONS WHO SUFFER SEVERE MENTAL DISABILITIES

SECTION 2.12. Joint Select Committee on Capital Trial, Sentencing, and Post-Conviction Procedures for Persons Who Suffer Severe Mental Disabilities, established pursuant to G.S. 120-19.6, have been met.

NORTH CAROLINA EDUCATION STANDARDS AND ACCOUNTABILITY COMMISSION

SECTION 2.13. The statutory requirements of the North Carolina Education Standards and Accountability Commission, established by Chapter 117 of the 1993 Session Laws, have been met.

STATE BOARD OF EDUCATION SELECTION COMMITTEE FOR A SUPERINTENDENT

SECTION 2.14. The statutory requirements of the State Board of Education Selection Committee for a Superintendent have been met.

ADVISORY COMMITTEE TO THE NORTH CAROLINA MEMBERS OF THE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT COMMISSION

SECTION 2.15. The statutory requirements of the Advisory Committee to the North Carolina Members of the Low-Level Radioactive Waste Management Compact Commission, established by Chapter 714 of the 1983 Session Laws, have been met.

STUDY COMMISSION ON NORTH CAROLINA'S ENERGY FUTURE

SECTION 2.16. The statutory requirements of the Study Commission on North Carolina's Energy Future, established by S.L. 2009-574, have been met.

LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE

SECTION 2.17. The statutory requirements of the Legislative Study Commission on Water and Wastewater Infrastructure, established by S.L. 2009-574, have been met.

PART III. CONFORMING CHANGES, EFFECT OF HEADINGS, EFFECTIVE DATE

SECTION 3.1. G.S. 115C-64.7 reads as rewritten:
"§ 115C-64.7. Criteria for dropout prevention grants.

The following criteria apply to all types of dropout prevention grants approved by the Committee:

- (1) Grants shall be issued in varying amounts up to a maximum of one hundred seventy-five thousand dollars (\$175,000).
- (2) These grants shall be provided to innovative programs and initiatives that target students at risk of dropping out of school and that demonstrate the potential to (i) be developed into effective, sustainable, and coordinated dropout prevention and reentry programs in middle schools and high schools and (ii) serve as effective models for other programs.
- (3) Grants shall be distributed geographically throughout the State and throughout the eight educational districts as defined in G.S. 115C-65. No

more than three grants shall be awarded in any one county under this section in a single fiscal year.

- (4) Grants may be made to local school administrative units, schools, local agencies, or nonprofit organizations. Applications from nonprofits shall be subject to the additional fiscal accountability controls described in G.S. 115C-64.8.
- (5) Grants shall be to programs and initiatives that hold all students to high academic and personal standards.
- (6) Grant applications shall state (i) how grant funds will be used, (ii) what, if any, other resources will be used in conjunction with the grant funds, (iii) how the program or initiative will be coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community, and (iv) a process for evaluating the success of the program or initiative.
- (7) Programs and initiatives that receive grants under this section shall be based on best practices for helping at-risk students achieve successful academic progress, preventing students from dropping out of school, or for increasing the high school completion rate for those students who already have dropped out of school.
- (8) Priority for grants shall be given to proposals that (i) demonstrate input from the local community and coordination with other available programs or resources and (ii) provide clear plans for sustaining the program in future years when State funding will no longer be provided.
- (9) Grantees shall assure their compliance with applicable laws and rules regulating conflicts of interest.
- (10) Priority for grants shall be given to programs that would serve students in local schools that have a four-year cohort graduation rate of less than sixty-five percent (65%). The Committee shall establish a grant rating cutoff score at such a level as to allow for consideration of all viable grants in this priority category. The Committee may require grantees to provide supplemental information in response to any prior reviewer comments.
- (11) Priority for grants shall be given to proposals demonstrating the potential for success.
- (12) The demonstrated need for a grant, level of collaboration, ability to increase attendance, persistence, academic success, ability to increase parental involvement, and graduation shall be given more weight than the quality of the written grant.
- (13) Grants shall be made no later than November 1, 2010 and subsequent years.

The Committee shall report to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation~~ and the Joint Legislative Education Oversight Committee on the grants awarded under this section by March 1, 2010 and annually thereafter."

SECTION 3.2. G.S. 115C-64.9 reads as rewritten:

"§ 115C-64.9. Evaluation.

The Committee shall evaluate the impact of the dropout prevention grants awarded under this Article. In evaluating the impact of the grants, the Committee shall consider:

- (1) How grant funds were used, including the services provided for teen pregnancy prevention and for pregnant and parenting teens;
- (2) The success of the program or initiative, as indicated by the evaluation process stated in its grant application;
- (3) The extent to which the program or initiative has improved students' attendance, test scores, persistence, and graduation rates;

- (4) How the program or initiative was coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community;
- (5) What, if any, other resources were used in conjunction with the grant funds;
- (6) The sustainability of the program;
- (7) The number, gender, ethnicity, and grade level of students being served as well as whether the students left school due to pregnancy or parenting responsibilities;
- (8) The potential for the program to serve as a model for achieving successful academic progress for at-risk students; and
- (9) Other indicators of the impact of the grant on dropout prevention.

The recipients of the dropout prevention grants awarded under this section shall report to the Committee on Dropout Prevention by January 31, 2011, and annually thereafter. The reports shall provide information to assist the Committee in conducting its evaluation. The reports shall include a statement that the recipients used grant funds for the purposes appropriated by the General Assembly and complied with applicable laws, regulations, and terms and conditions of the grant documents. The Committee shall make an interim report of the results of its evaluation of the grants awarded under this section by March 31, 2011, to the ~~Joint Legislative Commission on Dropout Prevention and High School Graduation~~ and to the Joint Legislative Education Oversight Committee. The Committee shall make a final report of the results of its evaluation of the grants awarded under subsection (c) of this section by November 15, 2011, to the ~~Joint Legislative Commission on Dropout Prevention and High School Graduation~~ and to the Joint Legislative Education Oversight Committee."

SECTION 3.3.(a) Part 15 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 3.3.(b) G.S. 143-215.3A(b) reads as rewritten:

"§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of the ~~Small Business Environmental Advisory Panel~~, the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses."

SECTION 3.4. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a part.

SECTION 3.5. The Revisor of Statutes shall, on or after the effective date of this act, correct any reference or citation in the General Statutes that is amended by this act by deleting the incorrect references and substituting correct references.

SECTION 3.6. The Office of the Governor, the Legislative Library, and all State agencies shall update databases related to State boards and commissions to reflect that the boards and commissions set out in this act have been abolished.

SECTION 3.7. The terms of the members currently serving on the boards set out in Part I of this act shall expire on the effective date of this act.

1

SECTION 3.8. Unless otherwise provided, this act becomes effective July 1, 2011.

GOVERNMENT REDUCTION ACT

PCS for S593 (originally titled "Abolish Andrew Jackson Committee")

This bill contains 59 boards and commissions that have either:

- not met during the past year,
- have been identified as duplicative or unnecessary,
- have been eliminated in the budget (H200), or
- have met their statutory requirements.

This bill is **merely the beginning** of an ongoing review of more than 500 boards, commissions, and committees. This review will culminate in additional legislative recommendations by the Joint Regulatory Reform Committee for action during the 2012 short sessions for further eliminations, consolidations, and membership reductions.

By the Numbers...

Number of boards, commissions, and committees

Part I = 42 (more than 515 members) @ estimated cost of approximately \$400k (\$397,271 per year)

Part II = 17 (more than 273 members) @ estimated cost of approximately \$200k (\$210,592 per year)

TOTAL = 59 (more than 788 members) @ estimated cost of \$600k (\$607,863 per year)

General Assembly Fiscal Division estimates the average cost of a member per year is \$771.40

Part I. Elimination of Certain State Boards and Commissions that have not met recently, are duplicative, or are not deemed critical.

- 1. Advisory Committee on Abandoned Cemeteries (17 members)**
Created in 1981; last meeting unknown; last report 2006
- 2. Advisory Council for the Public Campaign Financing Fund (5 members)**
Created in 2002; no meeting minutes found; no report on file
- 3. Andrew Jackson Historic Memorial Committee (12 members)**
Created in 1985; last meeting unknown; no minutes or report on file
- 4. Aquaculture Advisory Board (7 members)**
Created in 1989; last meeting records found for 2003; no report on file; no longer necessary as duties of Joint Legislative Commission on Seafood and Aquaculture are transferred to Joint Leg Comm on Gov Ops in H595
- 5. Butner Lands Commission (9 members)**
Created in 2007; last meeting unknown; created to incorporate Butner, which has been accomplished
- 6. Coordination of Children's Services Study Commission (13 members)**
Created in 2005; last meeting unknown; no report on record; no longer necessary as duties of this body are transferred to Joint Legislative Education Oversight Committee in H595
- 7. Governor's Advocacy Council on Children and Youth (19 members)**
Created in 1997; last meeting in 2005; no report on file
- 8. Governor's Business Council on the Arts and Humanities (unspecified # of members)**
Created in 1977; last meeting unknown; no report on file; no longer tracked by Gov or Cultural Resources
- 9. Information Technology Advisory Board (9 members)**

- Created in 2004; last meeting in 2008; no report on record
- 10. Legislative Intern Program Council (3 members)**
Created in 1969; no meeting minutes found; no report on file
 - 11. North Carolina Capital Planning Commission (20 members)**
Created in 1991; last meeting in 2010; last report on file from 2003
 - 12. North Carolina Local Government Advocacy Council (19 members)**
Created in 1991; reportedly meets quarterly but unverified; no information found
 - 13. North Carolina Public Radio Advisory Committee—Agency on Public Telecommunications (9 members)**
Created in 1979; last meeting in 2001; no report on file
 - 14. North Carolina Rail Council (18 members)**
Created in 1993; last meeting in 1997; funding eliminated in 2011-2012 budget
 - 15. Property Tax Subcommittee of the Revenue Laws Study Committee (6 members)**
Created in 2002; last meeting during interim 2002-03; no report on file
 - 16. Public Health Study Commission (17 members)**
Created in 1994; last meeting during interim 2008; last report on file 2009; no longer necessary as duties of this body are transferred to Joint Legislative Education Oversight Committee on Health and Human Services in H595
 - 17. Substance Abuse Advisory Council (9 members)**
Created in 1991; last meeting in 2008; no report on file
 - 18. Task Force on School-Based Management (21 members)**
Created in 1993; last meeting in 1996; no report on file
 - 19. Task Force on the Coordination of Children's Services (13 members)**
Created in 1997; last meeting unknown; no report on file
 - 20. Petroleum Underground Storage Tank Fund Council (11 members)**
Created in 1991; last meeting Jan 2010; former members report this group is unnecessary
 - 21. North Carolina Aeronautics Council (15 members)**
Created in 1975; last meeting November 2010; funding eliminated in 2011-12 budget
 - 22. Future of the North Carolina Railroad Study (18 members)**
Created in 1999; last meeting in 2001; last report on file 2001
 - 23. Legislative Services Commission Subcommittee on Expenditure Model (4 members)**
Created in 1996; last meeting unknown; no report on file
 - 24. North Carolina Public Employee Special Pay Plan Board of Trustees (7 members)**
Created in 2002; last meeting in 2007; no report on file
 - 25. Roanoke River Basin Advisory Council (21 members)**
Created in 2002; last meeting May 2011; April 2010 DENR Boards, Commissions, and Councils report recommended elimination – "Although the advisory committee has not resulted in significant costs to North Carolina it does require staff time and is redundant to the intended purpose being served by the bi-state commission."
 - 26. North Carolina Solid Waste Management Capital Projects Financing Agency (5 members)**
Created in 1989; last meeting unknown; no report on file; no records found on any NC Government website; persons involved in private sector waste management industry had never heard of this Agency; statutory language allows monetary grants, so to avoid unintended consequences, granting authority is being provided to the Clean Water Management Trust Fund
 - 27. North Carolina Bicycle Committee (7 members)**
Created in 1977; last meeting Nov 2010; no report on file; funding eliminated in 2011-12 budget
 - 28. Joint Legislative Commission on Future Strategies for North Carolina (12 members)**

- Created in 1990; last meeting in 1992; last report on file from 1991; no longer necessary as duties of this body are transferred to Joint Legislative Commission on Government Operations in H595
- 29. Joint Broadband Task Force (25 members)**
Created in 2009; last meeting unknown; no report on file
- 30. Legislative Commission on Methamphetamine Abuse (unspecified members)**
Created in 2003; last meeting unknown; no report on file
- 31. Governor's Council on Physical Fitness and Health (10 members)**
Created in 1991; last meeting in Jan 2002; no report on file; has had no budget since 2002
- 32. Joint Select Committee on Low-Level Radioactive Waste (unspecified members)**
Created in 1987; last meeting thought to be in 2002 (unverified); no report on file; no longer necessary as duties of this body are transferred to Joint Legislative Commission on Government Operations in H595
- 33. Executive Mansion Fine Arts Committee (16 members)**
Created in 1987; last meeting April 2011; reports to Cultural Resources; duplicative – duties are being transferred to Executive Mansion Incorporated Board of Directors and can be supported by NC Museum of Art and Dept of Cultural Resources
- 34. Health Insurance Innovations Commission (28 members)**
Created in 2004; Dept of Insurance has no record that this body ever met; no appointments since 2004; current membership expired but commission still technically active
- 35. Blue Ribbon Task Force on the State Health Plan for Teachers and State Employees (15 members)**
Created in 2009; last meeting in 2010; last report on file from 2010
- 36. Joint Legislative Joining Our Businesses and Schools Jobs Study Commission (20 members)**
Created in 2009; last meeting in 2010; last report from 2010 interim; planned expiration of June 30, 2011
- 37. Historic Sites Repairs and Renovations Review Committee (8 members)**
Created in 1998; last meeting in 1990s (unverified); no report on file; authorizing language stated "textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1998-99 fiscal year."
- 38. Small Business Environmental Advisory Panel (7 members)**
Created in 2005; last meeting in 2005; no report on file
- 39. Committee on Standards and Accountability (13 members)**
Created in 1997; has not met during last three years; no report on file; this committee was established to carry on the work of the Standards and Accountability Commission that was repealed in 1997
- 40. North Carolina Teacher Academy Board of Trustees (20 members)**
Created in 1995; last meeting May 2011; eliminated in 2011-12 budget
- 41. North Carolina Teaching Fellows Commission (11 members)**
Last meeting March 2011; phased out in 2011-12 budget during next four fiscal years;
commission shall cease to exist on June 30, 2015
- 42. North Carolina Professional Teaching Standards Commission (16 members)**
Created in 1994; meets quarterly; last meeting May 2011; staff support funding eliminated in 2011-12 budget and DPI has reported no staff will be available to support Commission; goal of Commission (developing the teacher evaluation tool) has been completed

Part II. Elimination of Certain Boards, Committees, and Commissions that have met statutory requirements.

- 43. Joint Legislative Study Committee on Public School Funding Formulas (24 members)**
Created in 2007; last meeting in 2007; last report filed Jan 2007; statutory requirements met
- 44. Higher Education Civic Education Study Commission (19 members)**
Created in 2007; last meeting in 2007; no report on file; statutory requirements met
- 45. Joint Legislative Committee on Dropout Prevention and High School Graduation (16 members)**
Created in 2007; last meeting in 2007; last report on file from 2009; statutory requirements met
- 46. Advisory Commission on Hospital Infection Control and Disclosure (12 members)**
Created in 2007; last meeting 2007; last report on file from 2009; statutory requirements met
- 47. Joint Select Committee on Emergency Preparedness and Disaster Management Recovery (30 members)**
Created in 2007 and 2009; last meetings in 2007 and 2009, respectively; last report on file from 2008; statutory requirements met
- 48. Partition Sales Study Subcommittee (18 members)**
Created in 2007; last meeting in 2007; no report on file; statutory requirements met
- 49. North Carolina National Guard Pension Fund Study Committee (11 members)**
Created in 2007; last meeting in 2007; no report on file; statutory requirements met
- 50. North Carolina Professional Employer Organizational Advisory Council (11 members)**
Created in 2004; last meeting in 2008 (?); no report on file; statutory requirements met
- 51. Legislative Commission on Global Climate Change (34 members)**
Created in 2005; last meeting in 2010; last report on file from 2010 (final report); statutory requirements met
- 52. Legislative Study Committee on Public-Private Partnerships (16 members)**
Created in 2009; last meeting in 2010; no report on file; statutory requirements met
- 53. Senate Select Committee on Government and Election Reform (11 members)**
Created in 2007; last meeting in 2007; no report on file; statutory requirements met
- 54. Joint Select Committee on Capital Trial, Sentencing, and Post-Conviction Procedures for Persons who Suffer Severe Mental Disabilities (10 members)**
Created in 2007; last meeting in 2009; last report in file from 2009; statutory requirements met
- 55. North Carolina Educations Standards and Accountability Commission (25 members)**
Created in 1993; eliminated in 1997 but still on the books (i.e., in the database); statutory requirements met
- 56. State Board of Education Selection Committee for a Superintendent (unspecified members)**
Date of creation and meetings unknown; it is believed by library staff that this search committee was for the NC School for the Deaf; statutory requirements met
- 57. Advisory Subcommittee to the North Carolina Members of the Low-Level Radioactive Waste Management Compact Commission (unspecified members)**
Created in 1989; last meeting unknown; no report on file; statutory requirements met
- 58. Study Commission on North Carolina's Energy Future (19 members)**
Created in 2009; last meeting in 2010; no report on file; statutory requirements met
- 59. Legislative Study Commission on Water and Wastewater Infrastructure (17 members)**
Created in 2009, last meeting in 2010; last report on file from May 2010; statutory requirements met

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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D

**SENATE BILL 409
PROPOSED COMMITTEE SUBSTITUTE S409-PCS35262-ME-21**

Short Title: Global TransPark Gov. Reform & Loan Repayment.

(Public)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO REFORM THE GOVERNANCE OF THE NORTH CAROLINA GLOBAL
TRANSPARK AND TO REPAY THE LOAN FROM THE ESCHEATS FUND TO THE
GLOBAL TRANSPARK.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 63A-3(a) reads as rewritten:

"(a) Creation. The North Carolina Global TransPark Authority is created as a body corporate and politic having the powers and jurisdiction as provided under this Chapter or any other law. The Authority is a State agency created to perform essential governmental and public functions. The Authority shall be located within the Department of Transportation, but shall exercise all of its powers, including the power to employ, direct, and supervise all personnel, independently of the Secretary of Transportation and, notwithstanding any other provision of law, Transportation and shall be subject to the direction and supervision of the Secretary only with respect to the management functions of coordinating and reporting Secretary."

SECTION 1.(b) G.S. 63A-3(b) reads as rewritten:

"(b) Board of Directors. The Authority shall be governed by a Board of Directors. The Board shall consist of at least the following 20 members:

(1) Seven Six members appointed by the Governor. One member shall be representative of the economic development industry, two members shall be representative of commercial real estate development industry, two members shall be representative of the banking and finance industry, and one member shall be representative of environmental interests. Of the Governor's six appointments, at least one member shall come from each of the State's three regions: Western, Piedmont, and Eastern.

(2) Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. One member shall be representative of the aerospace and aviation industry, one member shall be representative of advanced manufacturing industries, and one member shall be representative of the logistics and supply chain management industry.

(3) Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance



with G.S. 120-121. One member shall be representative of the aerospace and aviation industry, one member shall be representative of the emergency response and disaster relief industries, and one member shall be representative of the defense and security industry.

(4) The State Treasurer, who shall serve as an ex officio nonvoting member.

(5) The President of the North Carolina System of Community Colleges, provided that the President of the North Carolina Community Colleges may instead appoint to the Board of Directors one member of the board of trustees of a community college or one president of a community college. If such an appointment is made, the appointee shall serve at the pleasure of the President.

(6) The President of The University of North Carolina, provided that the President of the University of North Carolina may instead appoint to the Board of Directors one member of the board of trustees of a constituent institution of The University of North Carolina, or one chancellor of a constituent institution of The University of North Carolina. If such an appointment is made, the appointee shall serve at the pleasure of the President.

(7) The Chairman of the State Ports Authority.

(8) One member appointed by the board of county commissioners of any county in which the cargo airport complex site is located.

(9) One member appointed by the city council of the city which is a county seat of any county in which the cargo airport complex site is located.

(10) The Commissioner of Agriculture.

(11) The Secretary of the Department of Commerce.

Within 90 days after the Authority acquires land, either by purchase or condemnation, for development as part of a cargo airport complex site, the board of county commissioners in any county in which a portion of the land is located and the city council of the city which is the county seat of the county shall, by resolution, each appoint a person to serve as a member of the Board. If the board of commissioners or the city council appoints one of its own members to the Board, the county commissioner or the member of the city council who is appointed is considered to be serving on the Board as an ex officio voting member as part of the duties of the office of county commissioner or the office of city council member, in accordance with G.S. 128-1.2, and is not considered to be serving in a separate office. Notwithstanding G.S. 116-31(h), a member of the board of trustees of a constituent institution of The University of North Carolina appointed to the Board of Directors under subdivision (6) of this subsection may concurrently serve on the board of trustees and the Board of Directors. Notwithstanding any other provision of law, the Governor may serve on the Board of Directors by his own appointment on or after July 16, 1991, under subdivision (1) of this subsection.

As the holder of an office, each member of the Board shall take the oath required by Article VI, § 7 of the North Carolina Constitution before assuming the duties of a Board member."

SECTION 1.(c) G.S. 63A-3(c) is repealed.

SECTION 1.(d) G.S. 63A-3 is amended by adding a new subsection to read as follows:

"(d1) Notwithstanding the terms of board members appointed by the General Assembly as specified in subsection (d) of this section, terms of board members appointed by the General Assembly shall end June 30, 2011. After June 30, 2011, the six members appointed by the General Assembly shall be divided into two classes. The first class shall consist of three persons, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and one of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate, to serve an initial term expiring June 30, 2013, with subsequent

terms expiring each fourth June 30th thereafter. The second class shall consist of three persons, two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate and one of whom shall be appointed upon recommendation of the Speaker of the House of Representatives, to serve an initial term expiring June 30, 2015, with subsequent terms expiring each fourth June 30th thereafter."

SECTION 1.(e) G.S. 63A-24(3) reads as rewritten:

"(3) Except for G.S. 146-29.1, 146-79, and 146-80, Chapter 146 of the General Statutes does not apply to the Authority. Notwithstanding this exemption from Chapter 146 of the General Statutes, the Secretary of Transportation may designate employees of the Authority as subject to Chapter 146 of the General Statutes."

SECTION 2.(a) There is hereby transferred from the General Fund to the Escheats Fund the sum of seventeen million five hundred dollars (\$17,500,000) as a payment on the outstanding loan from the Escheats Fund to the Global TransPark Authority authorized under G.S. 63A-4(a)(22) and G.S. 147-69.2(b)(11).

SECTION 2.(b) If House Bill 200 of the 2011 Regular Session becomes law, then Section 9.8(a) of that act reads as rewritten:

"**SECTION 9.8.(a)** There is appropriated from the Escheat Fund income to the Board of Governors of The University of North Carolina the sum of ~~thirty-two million one hundred twenty-two thousand two hundred forty-two dollars (\$32,122,242)~~ forty-nine million six hundred twenty-two thousand two hundred forty-two dollars (\$49,622,242) for the 2011-2012 fiscal year and the sum of thirty-two million one hundred twenty-two thousand two hundred forty-two dollars (\$32,122,242) for the 2012-2013 fiscal year to be used for The University of North Carolina Need-Based Financial Aid Program. Notwithstanding the provisions of the N.C. Senate Appropriations Committee Report on the Continuation, Expansion, and Capital Budgets dated May 31, 2011, the appropriation from the General Fund for the UNC Need-Based Financial Aid Program shall be reduced by the sum of seventeen million five hundred thousand dollars (\$17,500,000), nonrecurring, in fiscal year 2011-2012."

SECTION 3. Chapter 63A of the General Statutes is amended by adding a new section to read as follows:

"§ 63A-9.5. Repayment of loan from Escheat Fund.

Starting on July 1, 2013, the State Treasurer shall transfer on a quarterly basis from the General Fund to the Escheat Fund the sum of one million two hundred fifty thousand dollars (\$1,250,000) and shall credit the payment toward the outstanding loan from the Escheat Fund to the Global TransPark Authority authorized under G.S. 63A-4(a)(22) and G.S. 147-69.2(b)(11). The State Treasurer shall continue to transfer the amount specified in this section until the balance of the loan is less than the transfer amount specified, at which point the State Treasurer shall make a final quarterly transfer from the General Fund to the Escheat Fund in an amount to satisfy the obligation."

SECTION 4.(a) If House Bill 200 of the 2011 Regular Session becomes law, then Section 6.10 of that act is repealed.

SECTION 4.(b) G.S. 147-69.2(b)(11), as amended by Section 7 of S.L. 2005-144, Section 2 of S.L. 2005-201, Section 28.17 of S.L. 2005-276, Section 27.7 of S.L. 2007-323, and Section 25.2 of S.L. 2009-451, reads as rewritten:

"(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (a) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

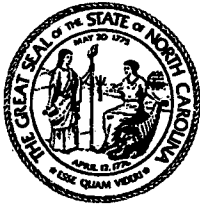
...

(11) With respect to assets of the Escheat Fund, obligations of the North Carolina Global TransPark Authority authorized by G.S. 63A-4(a)(22), not to exceed twenty-five million dollars (\$25,000,000), that have a final maturity not later

1 than October 1, ~~2011~~ 2018. The obligations shall bear interest at the rate set
2 by the State Treasurer. No commitment to purchase obligations may be
3 made pursuant to this subdivision after September 1, 1993, and no
4 obligations may be purchased after September 1, 1994. In the event of a loss
5 to the Escheat Fund by reason of an investment made pursuant to this
6 subdivision, it is the intention of the General Assembly to hold the Escheat
7 Fund harmless from the loss by appropriating to the Escheat Fund funds
8 equivalent to the loss.

9 If any part of the property owned by the North Carolina Global
10 TransPark Authority now or in the future is divested, proceeds of the
11 divestment shall be used to fulfill any unmet obligations on an investment
12 made pursuant to this subdivision."

13 **SECTION 5.** This act becomes effective July 1, 2011.



SENATE BILL 409: Global TransPark Gov. Reform & Loan Repayment

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Sens. Hartsell, Clary, Clodfelter
Analysis of: S409-PCS35262-ME-21

Date: June 7, 2011
Prepared by: Ryan Blackledge
Staff Attorney

SUMMARY: *The PCS for S409 (i) modifies the governance structure of the North Carolina Global TransPark Authority (GTP), placing the GTP under the supervision of the Secretary of Transportation and amending the appointments process for the GTP board, and (ii) provides a plan for paying off the Escheats Fund loan, including a one-time payment on July 1, 2011, and a five year repayment schedule beginning on July 1, 2013.*

[As introduced, this bill was identical to H841, as introduced by Rep. Howard, which is currently in Rules, Calendar, and Operations of the House.]

CURRENT LAW: The North Carolina Global TransPark Authority (GTP) is administratively located within the Department of Transportation, but exercises most of its powers independently from the Secretary of Transportation. In making appointments to the GTP board, the Governor and General Assembly are directed to consider the geographical representation of the State. Four of the Governor's seven appointees are to be representative of certain industries and interests. Additionally, the GTP has an outstanding loan from the Escheat Fund in excess of \$40 million, which includes \$22.5 million in principal and which the GTP cannot repay based on current operations.

BILL ANALYSIS:

Section 1 of the bill deals with governance issues. Section 1(a) changes the relationship between the GTP and the Department of Transportation by deleting the GTP's authority to exercise its powers independently of the Secretary of Transportation, leaving the GTP "subject to the direction and supervision of the Secretary." Section 1(b) would require all of the GTP board appointments of the Governor and General Assembly to come from specific categories of representation. Categories include the economic development industry, the real estate development industry, environmental interests, the logistics industry, the aviation industry, defense and security industry, and others. Section 1(c) deletes the current appointment categories and guidelines, which are less prescriptive. Section 1(d) removes the current General Assembly appointees and establishes new staggered four year terms. Section 1(e) allows the Secretary of Transportation to designate GTP employees as subject to State Personnel Act.

Section 2 makes a one-time transfer on July 1, 2011, from the General Fund to the Escheats Fund in the amount of \$17.5 million as a payment on the loan to the GTP from the Escheats Fund. This payment is paid for by reducing funding from the General Fund to the UNC Need-Based Financial Aid Program for fiscal year 2011-2012 (as provided in H200, as ratified). To maintain the same level of funding for the UNC Need-Based Financial Aid Program, however, funding for that program is increased in that same year from the Escheats Fund.

Section 3 establishes a repayment schedule for the remainder of the loan and would begin quarterly payments in the amount of \$1.25 million on July 1, 2013. Based on the payment made in Section 2 and assuming an interest rate of 4%, the loan would be paid off in just over five years.

Section 4 moves the maturity date of the loan back to October 1, 2018, the expected date by which the last payment will be made.

EFFECTIVE DATE: Section 5 provides an effective date of July 1, 2011.

S409-SMME-5(S409-CSME-21) v4



NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 409 + HB 841

AMENDMENT NO. _____

(to be filled in by

Principal Clerk)

S409-AME-118 [v.1]

Page 1 of 1

Comm. Sub. [YES]

Amends Title [NO]

S409-PCS35262-ME-21

Date _____, 2011

Senator Hunt

- 1 moves to amend the bill on page 3, line 41, by deleting "Section 6.10(a)" and substituting
2 "Section 6.10".

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* S 4 0 9 - A M E - 1 1 8 - V - 1 *

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**HOUSE BILL 200
RATIFIED BILL**

AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS.

The General Assembly of North Carolina enacts:

...

GLOBAL TRANSPARK DEBT, REPORT, AND STUDY

SECTION 6.10.(a) G.S. 147-69.2(b)(11), as amended by Section 7 of S.L. 2005-144, Section 2 of S.L. 2005-201, Section 28.17 of S.L. 2005-276, Section 27.7 of S.L. 2007-323, and Section 25.2 of S.L. 2009-451, reads as rewritten:

"(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (a) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

- ...
- (11) With respect to assets of the Escheat Fund, obligations of the North Carolina Global TransPark Authority authorized by G.S. 63A-4(a)(22), not to exceed twenty-five million dollars (\$25,000,000), that have a final maturity not later than October 1, ~~2011~~ 2012. The obligations shall bear interest at the rate set by the State Treasurer. No commitment to purchase obligations may be made pursuant to this subdivision after September 1, 1993, and no obligations may be purchased after September 1, 1994. In the event of a loss to the Escheat Fund by reason of an investment made pursuant to this subdivision, it is the intention of the General Assembly to hold the Escheat Fund harmless from the loss by appropriating to the Escheat Fund funds equivalent to the loss.

If any part of the property owned by the North Carolina Global TransPark Authority now or in the future is divested, proceeds of the divestment shall be used to fulfill any unmet obligations on an investment made pursuant to this subdivision."

SECTION 6.10.(b) The Global TransPark Authority shall report to the Program Evaluation Division on its strategic, business, and financial plans. The report shall be made by no later than January 1, 2012, and shall include the Authority's proposed schedule to achieve financial self-sufficiency and proposed schedule to repay to the Escheat Fund the investment authorized under G.S. 147-69.2(b)(11) plus any accumulated interest, both of which totaled forty million sixty-seven thousand nine hundred eighteen dollars and twenty cents (\$40,067,918.20) as of March 31, 2011.

SECTION 6.10.(c) The Program Evaluation Division of the General Assembly shall study the feasibility and implications of (i) transferring the entire Global TransPark Authority to another State agency and (ii) transferring functions of the Global TransPark Authority to other State agencies as part of a consolidation. The term "functions of the Global TransPark Authority" includes, but is not limited to, administration, planning, economic development and marketing, property management, and training center functions. The Program Evaluation Division shall report its findings and make a recommendation from this study to the Joint Legislative Program Evaluation Oversight Committee no later than May 1, 2012.

...



* H 2 0 0 - V - 8 *

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Maer Goff	Smith Anderson
Daniel Raimi	DEFNR
Mel Soles	DER
Hal McKinney	DER
Jim Fain	GTP
ROBERTO CANALES	NICDOT
Kim Branch	NEBA

SENATE PROGRAM EVALUATION COMMITTEE

**Tuesday, June 14, 2011 at 12:00 Noon
Room 421, Legislative Office Building**

MINUTES

The Senate Program Evaluation Committee met at 12:00 Noon on June 14, 2011, in Room 421 of the Legislative Office Building. Nine members of the committee were present. Senator Debbie Clary presided.

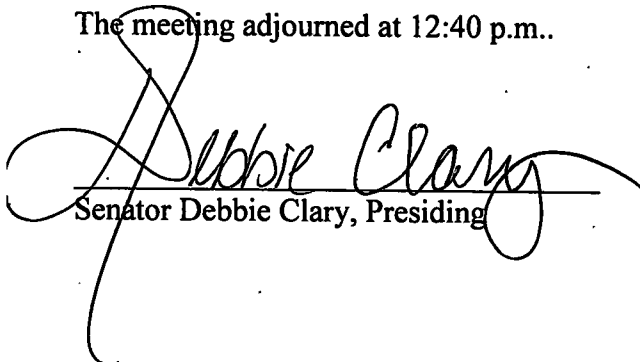
Senator Clary called the meeting to order and Recognized Rep. Kelly Hastings to come forward and speak on House Bill 393, Modify Internal Auditing Statutes. The bill updates and modifies Article 79 of Chapter 143 which pertains to the Internal Auditing function for larger State agencies and The University System. Senator Tillman moved for a Favorable Report. All voted in favor, the bill passed and Senator Clary referred the bill to the Committee on Finance.

Senator Clary recognized Rep. Nelson to speak on House Bill 613, NC-THINKS Program Amendments, which amends the State Employee Suggestion Program (NC-Thinks). Sen. Tillman moved for a Favorable report. All voted in favor and the bill passed.

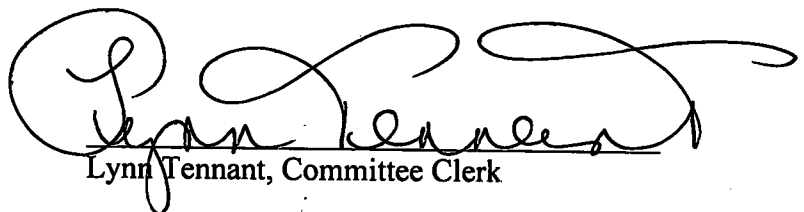
Senator Clary recognized Rep. David Lewis to speak on House Bill 763, License Plate Agency Contracts, which directs the Joint Legislative Program Evaluation Oversight Committee (JLPEOC) to include in its 2011-2012 Work Plan a study to evaluate the Division of Motor Vehicles' Commission contract for issuance of plates and certificates program regarding its cost effectiveness and any savings that could be generated by changing or maintaining the current system.

Senator Tillman introduced an Amendment and moved for a favorable report on the Amendment. Johanna Reese, Government Liaison with DMV, spoke on Bill from Audience. She stated the Ft. Bragg Driver License Office requested the Amendment not be run. Senator Tillman argued it would take away from privately owned tag agencies and there is no need to change what is not broken. Johanna responded that DMV could not operate on the Military Base. Cecil Hargett spoke on the Amendment and asked for it to be studied as spoken to in Sec. 3, stating that no one at camp Lujue has requested a tag office be opened. Johanna Reese clarified that the language in Amendment is not needed. Sen. Tillman stated he believes people do not trust the commissioner. Tillman moved for a Favorable report on the Amendment. All voted in favor of Amendment. Sen. Pate moved for a favorable report on the bill as amended. All voted in Favor and the bill passed out of committee as amended.

The meeting adjourned at 12:40 p.m..



Senator Debbie Clary, Presiding



Lynn Tennant, Committee Clerk

**Senate Program Evaluation Committee
Tuesday, June 14, 2011, 12:00 Noon
421 LOB**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 393	Modify Internal Auditing Statutes.
HB 613	NC-THINKS Program Amendments.
HB 763	License Plate Agency Contracts.

Representative Hastings
Representative McGee
Representative Dollar
Representative McGee
Representative Lewis

Adjournment

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **SENATE** Committee on **Program Evaluation** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 14, 2011	12:00 Noon	421 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 393	Modify Internal Auditing Statutes.	Representative Hastings
HB 763	License Plate Agency Contracts.	Representative McGee
HB 613	NC-THINKS Program Amendments.	Representative Lewis
		Representative Dollar
		Representative McGee

Senator Debbie A. Clary, Chair

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill
Favorable
Unfavorable
Amended
Comm. Sub.
Original Bill
Re-referred
Other Action

H393-MODIFY

Sponsor
Motion by
Motion by
Motion by
Motion by
Motion by

^{will explain}
Rep. Kelly Hastings
Tillman

all fav

Ref to Finance

Bill
Favorable
Unfavorable
Amended
Comm. Sub.
Original Bill
Re-referred
Other Action

H613-NC THINKS

Sponsor
Motion by
Motion by
Motion by
Motion by
Motion by

Rep. Nelson Dollar
Tillman

all Fav

Bill
Favorable
Unfavorable
Amended
Comm. Sub.
Original Bill
Re-referred
Other Action

H763-License

Sponsor
Motion by
Motion by
Motion by
Motion by
Motion by

Rep. David Lewis

Tillman for
fav rep

On Amended
all voted Aye

Pate moved for Fav
Report on Bill as

Bill
Favorable
Unfavorable
Amended
Comm. Sub.
Original Bill
Re-referred
Other Action

Sponsor
Motion by
Motion by
Motion by
Motion by
Motion by

Amended

Comm. Amended

Lewis
Spoke
on
Bill

Rpt Bill + Amendment
out at same
time

Bill as Amended
no PCS

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**PROGRAM EVALUATION COMMITTEE REPORT
Senator Debbie A. Clary, Chair**

Tuesday, June 14, 2011

Senator CLARY,
submits the following with recommendations as to passage:

FAVORABLE

H.B.	393	Modify Internal Auditing Statutes.	
		Sequential Referral:	None
		Recommended Referral:	Finance
H.B.(CS #1)	613	NC-THINKS Program Amendments.	
		Sequential Referral:	Finance
		Recommended Referral:	None

FAVORABLE, AS AMENDED

H.B.(CS #1)	763	License Plate Agency Contracts.	
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

HB 393 --- Sen. Clary
HB 613 ---- Sen. Clary
HB 763 ---- Sen. Tillman

<< Previous: H392

 FULL VERSION

Next: H394 >>

House Bill 393**2011-2012 Session****Modify Internal Auditing Statutes.**

View Bill Digest	Status: Ref To Com On Program Evaluation on 04/12/2011
Text	Sponsors
Fiscal Note	Primary: Hastings; McGee;
Filed [HTML]	Co: Bradley;
Edition 1 [HTML]	Attributes: Public;

Vote History									
Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
04/11/2011 8:13PM	Second Reading	[H] - 249	118	0	1	1	0	118	PASSED
Viewing Last 1 Vote(s)									View All Votes

History 		
Date	Chamber	Action
03/16/2011	House	Filed
03/17/2011	House	Passed 1st Reading
03/17/2011	House	Ref To Com On Government
04/07/2011	House	Reptd Fav
04/07/2011	House	Cal Pursuant Rule 36(b)
04/07/2011	House	Placed On Cal For 4/11/2011
04/11/2011	House	Passed 2nd & 3rd Reading
04/12/2011	Senate	Rec From House
04/12/2011	Senate	Passed 1st Reading
04/12/2011	Senate	Ref To Com On Program Evaluation

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

2011-2012 Session Bill Number: 

[FULL VERSION](#)[<< Previous: H392](#)[Next: H394 >>](#)**House Bill 393****2011-2012 Session****Modify Internal Auditing Statutes.**

View Bill Digest		Status:	Ref To Com On Program Evaluation on 04/12/2011
Text	Fiscal Note	Sponsors	
Filed [HTML]		Primary:	Hastings; McGee;
Edition 1 [HTML]		Co:	Bradley;
		Attributes:	Public;

Vote History									
Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
04/11/2011 8:13PM	Second Reading	[H] - 249	118	0	1	1	0	118	PASSED
Viewing Last 1 Vote(s)					View All Votes				

History RSS		
Date	Chamber	Action
03/16/2011	House	Filed
03/17/2011	House	Passed 1st Reading
03/17/2011	House	Ref To Com On Government
04/07/2011	House	Reptd Fav
04/07/2011	House	Cal Pursuant Rule 36(b)
04/07/2011	House	Placed On Cal For 4/11/2011
04/11/2011	House	Passed 2nd & 3rd Reading
04/12/2011	Senate	Rec From House
04/12/2011	Senate	Passed 1st Reading
04/12/2011	Senate	Ref To Com On Program Evaluation

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

2011-2012 Session

Bill Number: [Look-Up!](#)

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Daily Bulletin

School of Government

The University of North Carolina at Chapel Hill

Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601
Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

March 16, 2011

H 393. MODIFY INTERNAL AUDITING STATUTES. Filed 3/16/11. *TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.*

Deletes provisions of GS 143-746(c) and instead states that any state employee who performs the internal audit function must meet the minimum qualifications for internal auditors established by the Office of State Personnel. Amends GS 143-746(d), providing that the Director of Internal Auditing (Director) will report to (1) the agency head, (2) the chief deputy or chief administrative assistant, or (3) the agency governing board, if the board exists. States that the Director will be situated to avoid impairing independence. Makes other clarifying changes to GS 143-746.

Adds the President of the University of North Carolina, or designee, to the list of members on the Council of Internal Auditing in GS 143-147. Makes other clarifying changes.

Intro. by Hastings, McGee.

GS 143

State Government; Education

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

1

HOUSE BILL 393

Short Title: Modify Internal Auditing Statutes. (Public)

Sponsors: Representatives Hastings and McGee (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 17, 2011

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO
LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. Article 79 of Chapter 143 of the General Statutes reads as rewritten:

"Article 79.

"Internal Auditing.

"§ 143-745. Definitions; intent; applicability.

(a) For the purposes of this section:

(1) "Agency head" means the Governor, a Council of State member, a cabinet secretary, the President of The University of North Carolina, and the Superintendent of Public Instruction.

(2) "State agency" means each department created pursuant to Chapter 143A or 143B of the General Statutes, The University of North Carolina, and the Department of Public Instruction.

(b) This Article applies only to a State agency that:

(1) Has an annual operating budget that exceeds ten million dollars (\$10,000,000);

(2) Has more than 100 full-time equivalent employees; or

(3) Receives and processes more than ten million dollars (\$10,000,000) in cash in a fiscal year.

"§ 143-746. Internal auditing required.

(a) Requirements. – A State agency shall establish a program of internal auditing that:

(1) ~~Implements~~ Promotes an effective system of internal controls that safeguards public funds and assets and minimizes incidences of fraud, waste, and abuse.

(2) ~~Ensures~~ Determines if programs and business operations are administered in compliance with federal and state laws, regulations, and other requirements.

(3) Reviews the effectiveness and efficiency of agency and program operations and service delivery.

(4) Periodically audits the agency's major systems and controls, including:

a. Accounting systems and controls.

b. Administrative systems and controls.

c. ~~Electronic data processing~~ Information technology systems and controls.



(b) Internal Audit Standards. – Internal audits shall comply with current Standards for the Professional Practice of Internal Auditing issued by the Institute for Internal Auditors or, if appropriate, Government Auditing Standards issued by the Comptroller General of the United States.

(c) Appointment and Qualifications of Internal Auditors. – ~~Any internal auditor employed by a State agency shall at a minimum have a bachelor's degree from an accredited college or university and:~~ Any state employee who performs the internal audit function shall meet the minimum qualifications for internal auditors established by the Office of State Personnel.

(1) ~~Certification or licensure as a certified public accountant, certified internal auditor, certified fraud examiner, certified information systems auditor, professional engineer, or attorney; or~~

(2) ~~A minimum of five years' experience in internal or external auditing, management consulting, program evaluation, management analysis, economic analysis, industrial engineering, or operations research.~~

(d) Director of Internal Auditing. – The agency head shall appoint a Director of Internal Auditing who shall report to (i) the agency head and shall not report to any employee subordinate to the agency head, head, (ii) the chief deputy or chief administrative assistant, or (iii) the agency governing board, or subcommittee thereof, if such a governing board exists. The Director of Internal Auditing shall be organizationally situated in a manner that avoids impairments to independence as defined in the auditing standards referenced in subsection (b) of this section.

"§ 143-747. Council of Internal Auditing.

(a) The Council of Internal Auditing is created, consisting of the following members:

(1) The State ~~Controller~~ Controller, who shall serve as Chair.

(2) The State Budget Officer.

(3) The Secretary of Administration.

(4) The Attorney General.

(5) The Secretary of Revenue.

(6) The President of The University of North Carolina, who may appoint a designee.

(7) The State Auditor Auditor, who shall serve as a nonvoting member. The State Auditor may appoint a designee.

(b) The Council shall be supported by the Office of State Budget and Management.

(c) The Council shall:

(1) ~~Hold its first meeting before November 1, 2007, and thereafter meetings~~ at the call of the Chair or upon written request to the Chair by two members of the Council.

(2) Keep minutes of all proceedings.

(3) Promulgate guidelines for the uniformity and quality of State agency internal audit activities.

(4) Recommend the number of internal audit employees required by each State agency.

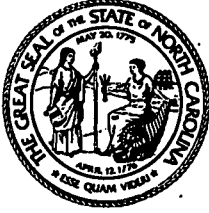
(5) Develop internal audit guides, technical manuals, and suggested best internal audit practices.

(6) Administer an independent peer review system for each State agency internal audit activity; specify the frequency of such reviews consistent with applicable national standards; and assist agencies with selection of independent peer reviewers from other State agencies.

(7) Provide central training sessions, professional development opportunities, and recognition programs for internal auditors.

- 1 (8) Administer a program for sharing internal auditors among State agencies
2 needing temporary assistance and assembly of interagency teams of internal
3 auditors to conduct internal audits beyond the capacity of a single agency.
- 4 (9) Maintain a central database of all annual internal audit plans; topics for
5 review proposed by internal audit plans; internal audit reports issued and
6 individual findings and recommendations from those reports.
- 7 (10) Require reports in writing from any State agency relative to any internal
8 audit matter.
- 9 (11) If determined necessary by a majority vote of the council:
10 a. Conduct hearings relative to any attempts to interfere with,
11 compromise, or intimidate an internal auditor.
12 b. Inquire as to the effectiveness of any internal audit unit.
13 c. Authorize the Chair to issue subpoenas for the appearance of any
14 person or internal audit working papers, report drafts, and any other
15 pertinent document or record regardless of physical form needed for
16 the hearing.
- 17 (12) Issue an annual report including, but not limited to, service efforts and
18 accomplishments of State agency internal auditors and to propose legislation
19 for consideration by the Governor and General Assembly."

20 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 393: Modify Internal Auditing Statutes

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Reps. Hastings, McGee
Analysis of: First Edition

Date: June 14, 2011
Prepared by: Bill Patterson
Committee Counsel

SUMMARY: *House Bill 393 updates and modifies Article 79 of Chapter 143 which pertains to the Internal Auditing function for larger State agencies and The University System.*

CURRENT LAW: Article 79 of Chapter 143 pertains to Internal Auditing and applies to a State agency that has:

- an annual operating budget that exceeds \$10,000,000;
- more than 100 FTEs (full-time equivalent employees); or
- receives and processes more than \$10,000,000 in cash in a fiscal year.

BILL ANALYSIS: House Bill 393 amends the Internal Auditing statutes for large State agencies and institutions as follows:

- Amends G.S. 143-746(a) to make minor updates and technical changes to the internal auditing program requirements.
- Deletes the training and experience requirements for internal auditors specified in G.S. 143-746(c), and replaces it with language requiring a State employee who performs the internal audit function to meet the minimum qualifications for internal auditors established by the Office of State Personnel.
- Expands the reporting requirements to allow the Director of Internal Auditing to report to the following:
 - (i) the agency-head (*current law*)
 - (ii) the chief deputy or chief administrative assistant (*new language*), or
 - (iii) the agency governing board, or subcommittee thereof, if such a governing board exists (*new language*).

Requires that the Director of Internal Auditing be organizationally situated in a manner that avoids impairments to independence as defined in the current Standards for the Professional Practice of Internal Auditing issued by the Institute for Internal Auditors or, if appropriate, Government Auditing Standards issued by the Comptroller General of the United States.

- Adds the President of The University of North Carolina, or designee, to the Council of Internal Auditing.

EFFECTIVE DATE: House Bill 393 would become effective when it becomes law.

BACKGROUND: The Office of State Personnel (OSP) has determined that the Auditor class series is a banded class performing professional auditing work with responsibility for examining and analyzing financial functions, program operations and results, and/or systems to determine compliance with tax, financial, or programmatic procedures and regulations. OSP's current training and experience requirements mirror those currently provided in the statute.

Teresa Matula, counsel to House Government, substantially contributed to this summary.

H393-SMTG-55(e1) v1

Research Division

O. Walker Reagan, Director

(919) 733-2578

<< Previous: H612

 FULL VERSION

Next: H614 >>

House Bill 613**2011-2012 Session****NC-THINKS Program Amendments.**

View Bill Digest		Status:	Ref to Program Evaluation. If fav, re-ref to Finance on 04/19/2011
Text	Fiscal Note	Sponsors	
Filed [HTML]	-	Primary:	Dollar; McGee;
Edition 1 [HTML]	-	Co:	Jordan;
Edition 2 [HTML]	-	Attributes:	Public; Text has changed;

Vote History									
Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
04/14/2011 2:22PM	Second Reading	[H] - 283	115	0	3	2	0	115	PASSED
Viewing Last 1 Vote(s)					View All Votes				

History 		
Date	Chamber	Action
04/04/2011	House	Filed
04/05/2011	House	Passed 1st Reading
04/05/2011	House	Ref To Com On Appropriations
04/07/2011	House	Withdrawn From Com
04/07/2011	House	Re-ref Com On State Personnel
04/13/2011	House	Reptd Fav Com Substitute
		Relevant document(s): PCS70179
04/13/2011	House	Cal Pursuant Rule 36(b)
04/13/2011	House	Placed On Cal For 4/14/2011
04/14/2011	House	Passed 2nd & 3rd Reading
04/15/2011	Senate	Rec From House
04/19/2011	Senate	Passed 1st Reading
04/19/2011	Senate	Ref to Program Evaluation. If fav, re-ref to Finance

le: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

2011-2012 Session

Bill Number:

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April 5, 2011

H 613. NC-THINKS PROGRAM AMENDMENTS. Filed 4/4/11. *MAKING PROGRAMMATIC AMENDMENTS TO THE NC-THINKS STATE EMPLOYEE SUGGESTIONS PROGRAM.*

Current law provides that a state employee or a team of state employees may receive an incentive bonus or bonuses as a reward for suggestions or innovations resulting in monetary savings or increased revenues to the state, or improved quality of services to the public. Amends GS 143-345.21 to provide that the amount of savings generated by suggestions and innovations should be determined after a 12-month period of implementation or, if applicable, no more than 90 days after the one-time savings is determined or the suggestion is approved. Prohibits making suggestion payments (was, incentive bonus) prior to the expiration of 12 months, or 90 days after the final one-time savings are determined or the suggestion is approved. Provides that no monetary award or leave can be awarded through NC-Thinks where such an award or leave is specifically not allowed by the terms of the funding source. Moves the administration of the NC-Thinks program to the Office of State Personnel (was, the Department of Administration). Makes conforming changes.

Provides that 30% of the annualized savings or increased revenues realized from a state employee's suggestion or innovation is to be allocated as follows: (1) 15% (was, 10%) to the implementing agency for nonrecurring budget items to be used as specified, (2) 10% to the Office of State Personnel (was, Department of Administration), and (3) 5% (was, 10%) to the state employee education and training fund. Clarifies that the allocation to the state employee education and training fund does not revert even when nonreversion is otherwise allowed by law or policy. Makes an additional clarifying change.

Amends GS 143-345.23(d) to make the state personnel director (was, the executive secretary) responsible for oversight and administration of NC-Thinks. Provides that the state coordinator is an employee of the Office of State Personnel (was, of the Department of Administration). Amends GS 143-345.24(c) to provide that all administrative, management, clerical, and other functions and services required by the State Review Committee are to be supplied by the Office of State Personnel (was, the Department of Administration). Directs the Office of State Personnel and the State Review Committee to report annually to the Joint Legislative Commission on Governmental Operations on the administration of NC-Thinks.

Effective July 1, 2011, and applies to employees' suggestions made on or after that date.

Intro. by Dollar, McGee.

GS 143

Employment and Retirement; State Government

April 13, 2011

H 613. NC-THINKS PROGRAM AMENDMENTS. Filed 4/4/11. House committee substitute makes the following changes to 1st edition. Adds a section amending GS 126-3, specifying that the Office of State Personnel is responsible for administering the NC-Thinks program.

Employment and Retirement; State Government

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

2

HOUSE BILL 613
Committee Substitute Favorable 4/13/11

Short Title: NC-Thinks Program Amendments.

(Public)

Sponsors:

Referred to:

April 5, 2011

1 A BILL TO BE ENTITLED
2 AN ACT MAKING PROGRAMMATIC AMENDMENTS TO THE NC-THINKS STATE
3 EMPLOYEE SUGGESTION PROGRAM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143-345.21 reads as rewritten:

6 "§ 143-345.21. State employee suggestion program.

7 (a) A State employee or team of State employees may receive an incentive bonus or
8 bonuses in reward for suggestions or innovations resulting in monetary savings to the State,
9 increased revenues to the State, or improved quality of services delivered to the public.

10 (b) Repealed by Session Laws 2001-424, s. 7.2(c), effective July 1, 2001.

11 (b1) The amount of savings generated by suggestions and innovations shall be
12 determined after a 12-month period of ~~implementation~~ implementation or, if applicable, no
13 more than 90 days after the one-time savings is determined or the suggestion is approved. No
14 incentive bonus-suggestion payments shall be paid prior to the expiration of 12 months, or 90
15 days after the final one-time savings is determined or the suggestion is approved, and payment
16 may be delayed further as reasonably required to ensure that a complete cost implementation
17 cycle is evaluated fully.

18 (c) Any savings are to be calculated using the actual expenditures for a program,
19 activity, or service compared to the budgeted amount for the same, if an amount has been
20 budgeted for the program, activity, or service. The savings calculation shall include the amount
21 of any reversions in excess of the baseline reversion. Any savings realized through NC-Thinks
22 shall be weighed against continued service to the public and the assurance that there is not a
23 negative impact on State programs.

24 (d) If a suggestion or innovation affects a program, activity, or service for which no
25 separate budgeted amount has been made, the State Coordinator, in conjunction with the
26 agency evaluator or agency fiscal officer, or both for that suggestion or innovation, shall
27 determine the budgetary impact of the suggestion or innovation.

28 (e) ~~Federal and local government funds and corporate and foundation grant funds are~~
29 ~~excluded from NC-Thinks.~~ No monetary award or leave can be awarded through NC-Thinks
30 where specifically disallowed by the terms of the funding source.

31 (f) ~~The Department of Administration~~ Office of State Personnel shall establish the
32 NC-Thinks reserve fund in which all savings for all suggestions shall be deposited as earned.
33 Each participating agency shall be responsible for transferring savings to the NC-Thinks
34 reserve fund. The funds may be encumbered as needed to ensure payment to the General Fund,
35 to the suggester, and for distribution as required by G.S. 143-345.22. ~~The Department of~~
36 ~~Administration~~ Office of State Personnel shall provide the NC-Thinks reserve fund summary at
37 the close of each fiscal year to the Office of State Budget and Management and to the



1 participating agencies. The Office of State Budget and Management shall have oversight
2 responsibility for ensuring that the required reversions and transfers are made to the General
3 Fund, and that all encumbered funds are accounted for and paid as required by law.

4 (g) No distribution of suggester awards shall occur until reversion requirements to the
5 General Fund are met and distributions as required by G.S. 143-345.22 are satisfied and
6 verified by the Office of State Budget and Management. When all of the requirements of
7 G.S. 143-345.22 are fulfilled, the Department of Administration shall transfer to the suggester's
8 agency funds required to award the suggester. The suggester's agency shall make the suggestion
9 award and ensure that all taxes and withholding requirements are met.

10 (h) Implementation costs may be prorated over a maximum of three years for
11 suggestions or innovations that are capital intensive, involve leading-edge technology, or
12 involve unconventional processes that require longer than 12 months for implementation. The
13 amount of the average annual savings minus the average annual implementation cost shall be
14 used as the basis for the agency to recommend a suggester award. The State Suggestion Review
15 Committee shall consult the Office of State Budget and Management to make the final award
16 determination in these cases.

17 (i) There is established in the ~~Department of Administration~~ Office of State Personnel a
18 nonreverting fund to be administered by the Office of State Personnel for the training and
19 education of permanent State employees to address specific mission critical needs and
20 objectives. Funds shall be credited from NC-Thinks to the fund as provided by this Article."

21 **SECTION 2. G.S. 143-345.22 reads as rewritten:**

22 **"§ 143-345.22. Allocation of ~~incentive bonus~~ suggestion program funds; nonmonetary**
23 **recognition.**

24 (a) If a State employee's suggestion or innovation results in a monetary savings or
25 increased revenue to the State, the funds saved or increased shall be distributed according to the
26 following scale or subject to guidelines as set forth by the funding source:

27 (1) Twenty percent (20%) of the annualized savings or increased revenues, up to
28 a maximum of twenty thousand dollars (\$20,000) for any one State
29 employee, to constitute gainsharing. If a team of State employees is the
30 suggester, the bonus provided in this subdivision shall be divided equally
31 among the team members, except that no team member shall receive in
32 excess of twenty thousand dollars (\$20,000), nor shall the team receive an
33 aggregate amount in excess of one hundred thousand dollars (\$100,000).
34 These funds shall not revert.

35 (2) Thirty percent (30%) allocated as follows:

36 a. ~~Ten percent (10%)~~ Fifteen percent (15%) to the implementing
37 agency for nonrecurring budget items to be used (i) by the
38 implementing agency to provide equipment, supplies, training, and
39 limited but appropriate recognition for the division, section, or group
40 responsible for the implementation of the cost-saving measure and
41 (ii) to meet other similar needs within the agency.

42 b. Ten percent (10%) to the ~~Department of Administration~~ Office of
43 State Personnel for augmenting funding for the management and
44 administration of NC-Thinks. These funds shall not revert.

45 c. ~~Ten percent (10%)~~ Five percent (5%) to the State employee
46 education and training fund administered by the Office of State
47 Personnel under G.S. 143-342.21(i). These funds shall not
48 ~~revert~~ revert when nonreversion is otherwise allowed by law or
49 policy.

50 (3) The remainder to the General Fund for nonrecurring budget ~~items~~ items
51 when allowed by law or policy.

...."

SECTION 3. G.S. 143-345.23(d) reads as rewritten:

"(d) The ~~executive secretary~~ State Personnel Director shall be responsible for general oversight and coordination of NC-Thinks. The State coordinator shall be an employee of the ~~Department of Administration~~ Office of State Personnel. The State coordinator shall be responsible for day-to-day NC-Thinks program management and administration of the technical aspects of the program. The State coordinator shall be an ex officio voting member of the State Suggestion Review Committee."

SECTION 4. G.S. 143-345.24(c) reads as rewritten:

"(c) All administrative, management, clerical, and other functions and services required by the State Review Committee shall be supplied by the ~~Department of Administration~~ Office of State Personnel. The ~~Department of Administration~~ Office of State Personnel and the State Review Committee shall report annually to the Joint Legislative Commission on Governmental Operations on the administration of NC-Thinks."

SECTION 5. G.S. 126-3(b) reads as rewritten:

"§ 126-3. **Office of State Personnel established and responsibilities outlined; administration and supervision; appointment, compensation and tenure of Director.**

...

(b) The Office shall be responsible for the following activities, and such other activities as specified in this Chapter:

...

(10) Administering the State employee suggestion program (NC-Thinks)."

SECTION 6. This act becomes effective July 1, 2011, and applies to employee suggestions made on or after that date.



HOUSE BILL 613: NC-Thinks Program Amendments

2011-2012 General Assembly

Committee:	Senate Ref to Program Evaluation. If fav, re-ref to Finance	Date:	June 14, 2011
Introduced by:	Reps. Dollar, McGee	Prepared by:	Bill Patterson
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 613 amends the State Employee Suggestion Program (NC-Thinks).*

CURRENT LAW: Article 36A of Chapter 143 contains provisions for the State Employee Suggestion Program (NC Thinks). (Section 11 of S.L. 2010-97 changed the name of the "State Employee Incentive Bonus Program" to the "State Employee Suggestion Program (NC-Thinks)".)

BILL ANALYSIS: Section 1 of House Bill 613 amends the program as follows:

- Allows the amount of savings generated by suggestions and innovations to be determined after a 12-month period of implementation or, if applicable, no more than 90 days after the one-time savings is determined or the suggestion is approved. A conforming change is made to allow the suggestion payments to be paid 90 days after the final one-time savings are determined or the suggestion is approved. (G.S. 143-345.21(b1))
- Clarifies that no monetary award or leave can be awarded through NC-Thinks where specifically disallowed by the terms of the funding source. (G.S. 143-345.21(e))
- Moves responsibility for the program from the Department of Administration to the Office of State Personnel which reflects current program operation. (G.S. 143-345.21(f) and (i))

Section 2 of the bill amends G.S. 143-345.22 pertaining to the allocation of funds saved or increased if a State employee's suggestion or innovation results in a monetary savings or increased revenue to the State. Currently, 30% of the funds are allocated equally (10% each) among the implementing agency, the entity responsible for administering the program, and the State employee education and training fund. Under the bill, the implementing agency's portion increases from 10% to 15%, and the portion going to a fund for State employee education and training is decreased from 10% to 5%. A reference to the "Department of Administration" is changed to the "Office of State Personnel" to conform to current program operation.

Sections 3 and 4 change references from the "Department of Administration" to the "Office of State Personnel" and from the "executive director" to the "State Personnel Director" to conform to changes in current program operation.

Section 5 amends G.S. 126-3 which outlines responsibilities of the Office of State Personnel to reflect their responsibility for the State employee suggestion program (NC Thinks).

EFFECTIVE DATE: House Bill 613 would become effective July 1, 2011, and apply to employee suggestions made on or after that date.

eresa Matula, counsel to House State Personnel, substantially contributed to this summary.

.J613-SMTG-54(e2) v1

[FULL VERSION](#)

<< Previous: H762

Next: H764 >>

House Bill 763 (= S661)**2011-2012 Session****License Plate Agency Contracts.**

View Bill Digest		Status:	Ref To Com On Program Evaluation on 06/10/2011							
Text	Fiscal Note	Sponsors								
Filed [HTML]		Primary:	Lewis;							
Edition 1 [HTML]		Co:	Blackwell; Faircloth; Graham; Harrison; Hastings; McComas; McGee; T. Moore; Sager; Shepard;							
Edition 2 [HTML]		Attributes:							Public; Text has changed;	

Vote History									
Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
06/08/2011 10:47PM	Second Reading	[H] - 877	116	0	1	3	0	116	PASSED
06/09/2011 1:29PM	Third Reading	[H] - 917	100	0	17	3	0	100	PASSED
Viewing Last 2 Vote(s).					View All Votes				

History 		
Date	Chamber	Action
04/06/2011	House	Filed
04/07/2011	House	Passed 1st Reading
04/07/2011	House	Ref To Com On Rules, Calendar, and Operations of the House
06/08/2011	House	Reptd Fav Com Substitute
		Relevant document(s): PCS30384
06/08/2011	House	Cal Pursuant Rule 36(b)
06/08/2011	House	Placed On Cal For 6/8/2011
06/08/2011	House	Passed 2nd Reading
06/09/2011	House	Amend Offered 1
06/09/2011	House	Amendment Withdrawn 1
		Relevant document(s): A1
7/09/2011	House	Passed 3rd Reading
7/10/2011	Senate	Rec From House
7/10/2011	Senate	Passed 1st Reading
7/10/2011	Senate	Ref To Com On Program Evaluation

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2011-2012 Session

Bill Number:

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<< Previous: H762

 FULL VERSION

Next: H764 >>

House Bill 763 (= S661)**2011-2012 Session****License Plate Agency Contracts.**

View Bill Digest		Status:	Ref To Com On Program Evaluation on 06/10/2011
Text	Fiscal Note	Sponsors	
Filed [HTML]	-	Primary: Lewis;	
Edition 1 [HTML]	-	Co: Blackwell; Faircloth; Graham; Harrison; Hastings; McComas;	
Edition 2 [HTML]	-	McGee; T. Moore; Sager; Shepard;	
		Attributes: Public; Text has changed;	

Vote History									
Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
06/08/2011 10:47PM	Second Reading	[H] - 877	116	0	1	3	0	116	PASSED
06/09/2011 1:29PM	Third Reading	[H] - 917	100	0	17	3	0	100	PASSED
Viewing Last 2 Vote(s)									View All Votes

History 		
Date	Chamber	Action
04/06/2011	House	Filed
04/07/2011	House	Passed 1st Reading
04/07/2011	House	Ref To Com On Rules, Calendar, and Operations of the House
06/08/2011	House	Reptd Fav Com Substitute
		Relevant document(s): PCS30384
06/08/2011	House	Cal Pursuant Rule 36(b)
06/08/2011	House	Placed On Cal For 6/8/2011
06/08/2011	House	Passed 2nd Reading
06/09/2011	House	Amend Offered 1
06/09/2011	House	Amendment Withdrawn 1
		Relevant document(s): A1
06/09/2011	House	Passed 3rd Reading
06/10/2011	Senate	Rec From House
06/10/2011	Senate	Passed 1st Reading
06/10/2011	Senate	Ref To Com On Program Evaluation

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

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April 7, 2011

H 763. LICENSE PLATE AGENCY CONTRACTS. Filed 4/6/11. *AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.*

As title indicates, requiring findings to be submitted at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee (Committee). Mandates that the Commissioner of Motor Vehicles not cancel any contracts until the study required by this act is complete and its final recommendations have been acted upon by the Committee.

Intro. by Lewis.

STUDY

General Assembly; Transportation

June 8, 2011

H 763. LICENSE PLATE AGENCY CONTRACTS. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Adds provision to authorize the Division of Motor Vehicles to provide tag services at military bases and changes title accordingly.

General Assembly; Transportation

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

H

2

**HOUSE BILL 763
Committee Substitute Favorable 6/8/11**

Short Title: License Plate Agency Contracts.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION
OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION
TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT
FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP
OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING
EFFICIENCY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO
PROVIDE TAG SERVICES AT MILITARY BASES.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Program Evaluation Oversight Committee shall include in the 2011-2012 Work Plan for the Program Evaluation Division of the General Assembly a study to evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program, authorized in G.S. 20-63(h), to determine the cost-effectiveness and savings that can be effected by changing or maintaining the current operating procedures and to develop any plans or practices that, if implemented, would result in increased operating efficiency of the Division of Motor Vehicles' Commission Contract program.

SECTION 2. The Program Evaluation Division shall submit its findings and recommendations for Section 1 of this act to the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

SECTION 3. The Commissioner of Motor Vehicles shall not cancel or amend any commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of the commission contractor until the study required by this act is complete and final recommendations have been acted upon by the Joint Legislative Program Evaluation Oversight Committee.

SECTION 4. G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. – All registration plates, registration certificates, and certificates of title issued by the Division, outside of those issued from the Charlotte and Raleigh offices of the ~~Division~~ Division, those issued on military bases by the Division, and those issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of the plates and certificates in localities throughout North Carolina with persons, firms, corporations or governmental subdivisions of the State of North Carolina. The Division shall make a reasonable effort in every locality, except as noted above, to enter



1 into a commission contract for the issuance of the plates and certificates and a record of these
2 efforts shall be maintained in the Division. In the event the Division is unsuccessful in making
3 commission contracts, it shall issue the plates and certificates through the regular employees of
4 the Division. Whenever registration plates, registration certificates, and certificates of title are
5 issued by the Division through commission contract arrangements, the Division shall provide
6 proper supervision of the distribution. Nothing contained in this subsection will allow or permit
7 the operation of fewer outlets in any county in this State than are now being operated.

8 Commission contracts entered into by the Division under this subsection shall provide for
9 the payment of compensation on a per transaction basis. The collection of the highway use tax
10 shall be considered a separate transaction for which one dollar and twenty-seven cents (\$1.27)
11 compensation shall be paid. The performance at the same time of one or more of the remaining
12 transactions listed in this subsection shall be considered a single transaction for which one
13 dollar and forty-three cents (\$1.43) compensation shall be paid.

14 A transaction is any of the following activities:

- 15 (1) Issuance of a registration plate, a registration card issued without collection
16 of property taxes or fees under G.S. 105-330.5, a registration renewal
17 sticker, or a certificate of title.
- 18 (2) Issuance of a handicapped placard or handicapped identification card.
- 19 (3) Acceptance of an application for a personalized registration plate.
- 20 (4) Acceptance of a surrendered registration plate, registration card, or
21 registration renewal sticker, or acceptance of an affidavit stating why a
22 person cannot surrender a registration plate, registration card, or registration
23 renewal sticker.
- 24 (5) Cancellation of a title because the vehicle has been junked.
- 25 (6) Acceptance of an application for, or issuance of, a refund for a fee or a tax,
26 other than the highway use tax.
- 27 (7) Receipt of the civil penalty imposed by G.S. 20-311 for a lapse in financial
28 responsibility or receipt of the restoration fee imposed by that statute.
- 29 (8) Acceptance of a notice of failure to maintain financial responsibility for a
30 motor vehicle.
- 31 (8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.
- 32 (8b) Sale of one or more inspection stickers in a single transaction to a licensed
33 inspection station.
- 34 (9) Collection of the highway use tax.
- 35 (10) Acceptance of a temporary lien filing."

36 **SECTION 5.** This act is effective when it becomes law.



HOUSE BILL 763: License Plate Agency Contracts

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Rep. Lewis
Analysis of: Second Edition

Date: June 14, 2011
Prepared by: Bill Patterson
Committee Counsel

SUMMARY: *House Bill 763 directs the Joint Legislative Program Evaluation Oversight Committee (JLPEOC) to include in its 2011-2012 Work Plan a study to evaluate the Division of Motor Vehicles' Commission contract for issuance of plates and certificates program regarding its cost effectiveness and any savings that could be generated by changing or maintaining the current system.*

Section 3 of the bill prohibits the Commissioner from cancelling any commission contract for any reason other than malfeasance, misfeasance, or nonfeasance until such time as the study is complete and the JLPEOC acts upon the final recommendations.

Section 4 to the bill amends G.S. 20-63(h) to allow the Division to issue tags and registrations on military bases.

[As introduced, this bill was identical to S661, as introduced by Sen. Bingham, which is currently in Rules, Calendar, and Operations of the House.]

CURRENT LAW: G.S. 20-63(h) directs the Commissioner to enter into contracts with third parties for the issuance of plates and certificates in localities throughout North Carolina.

EFFECTIVE DATE: The bill is effective when it becomes law.

BACKGROUND: The Division currently has about 125 commission contracts. Of those, about 80 are "indefinite" contracts, i.e., the contract does not terminate upon a particular date.

Kory Goldsmith, counsel to House Rules, substantially contributed to this summary.

H763-SMTG-53(e2) v1



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 763

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

H763-AMA-39 [v.1]

Page 1 of 2

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

Date _____, 2011

Senator Tillman

1 moves to amend the bill on page 1, lines 28 through page 2, line 35 by deleting the section and
2 inserting the following language:

3
4 **""SECTION 4. G.S. 20-63(h) reads as rewritten:**

5 '(h) Commission Contracts for Issuance of Plates and Certificates. – All registration
6 plates, registration certificates, and certificates of title issued by the Division, outside of those
7 issued from the Charlotte and Raleigh offices of the Division and those issued and handled
8 through the United States mail, shall be issued insofar as practicable and possible through
9 commission contracts entered into by the Division for the issuance of the plates and certificates
10 in localities throughout North Carolina Carolina, including military installations within this
11 State, with persons, firms, corporations or governmental subdivisions of the State of North
12 Carolina. The Division shall make a reasonable effort in every locality, except as noted above,
13 to enter into a commission contract for the issuance of the plates and certificates and a record of
14 these efforts shall be maintained in the Division. In the event the Division is unsuccessful in
15 making commission contracts, it shall issue the plates and certificates through the regular
16 employees of the Division. Whenever registration plates, registration certificates, and
17 certificates of title are issued by the Division through commission contract arrangements, the
18 Division shall provide proper supervision of the distribution. Nothing contained in this
19 subsection will allow or permit the operation of fewer outlets in any county in this State than
20 are now being operated.

21 Commission contracts entered into by the Division under this subsection shall provide for
22 the payment of compensation on a per transaction basis. The collection of the highway use tax
23 shall be considered a separate transaction for which one dollar and twenty-seven cents (\$1.27)
24 compensation shall be paid. The performance at the same time of one or more of the remaining
25 transactions listed in this subsection shall be considered a single transaction for which one
26 dollar and forty-three cents (\$1.43) compensation shall be paid.

27 A transaction is any of the following activities:

28""



* H 7 6 3 - A M A - 3 9 - V - 1 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 763

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

H763-AMA-39 [v.1]

Page 2 of 2

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE PROGRAM EVALUATION COMMITTEE

**Tuesday, June 5, 2012 at 12:00 Noon
Room 544, Legislative Office Building**

MINUTES

The Senate Program Evaluation Committee met at 12:00 Noon on June 5, 2012, in Room 544 of the Legislative Office Building. All members of the committee were present. Senator Fletcher Hartsell, presided.

Senator Bingham opened the meeting, introduced the pages and committee Sergeant-at-Arms, and then turned the meeting over to Senator Hartsell.

Senate Bill 612, State Leased Space/Study Commission, was announced. Senate Bill 612 directs the Program Evaluation Division of the General Assembly to study and assess matters relating to the leasing of property by State agencies. This act is effective when it becomes law. Senator Hartsell asked Senator Daniel to come forward and speak on the bill. A motion to accept the PCS to SB 612 was made by Senator White, all agreed and the PCS was accepted. Senator Bingham made a motion to accept Senate Bill 612, all voted in favor to pass Senate Bill 612, unfavorable as to the original bill, but favorable as to the committee substitute bill.

Senate Bill 841, Effective Utilization of PED, was announced. Senator Hartsell, being the Primary Sponsor, stepped aside and asked Senator Bingham to Chair while he spoke on the bill.

Senate Bill 841 provides that a bill or resolution that proposes a study or evaluation by the Program Evaluation Division shall have an impact statement prepared by the Division. The act is effective when it becomes law. Note: As introduced, this bill was identical to H1012, as introduced by Rep. Howard, which was currently in House Finance. The floor was opened to questions or motions. Senator Hise motioned for a favorable report. All voted in favor of a favorable report and the motion and bill passed with a favorable report and no sequential referral.

Senate Bill 851, Boards & Commissions Efficiency Act of 2012, was introduced and a PCS distributed. A motion for adoption of the PCS was made by Senator Atwater, accepted and passed. Senator Rouzer was asked to speak on the bill. He addressed S851-CSLG-36 [v.18] of the PCS. Senator Rouzer referred to a document that addressed the boards and commissions to be eliminated and also those that had been reduced. He stated that additional removals had taken place. Senator Hartsell requested a copy of the document that Sen. Rouzer was reading from. That document has been reproduced and attached with Senate Bill 851 and the PCS.

Senator Rouzer read off the boards and commissions that were eliminated in the legislation. Further discussion and debate took place as 19 Amendments were introduced. Senator Nesbitt asked if the legislation would be seen again because, although they heard rumors, this was the first opportunity they had to look at the bill, 40 have been read, and it was hard to digest that many at one time. Senator Hartsell stated that they would try to make it through all of the legislation. The first Amendment, S851-ALG-100 v.1, was introduced regarding the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services. Senator Hise explained. Senator Rouzer said it was a good Amendment. Senator Atwater made a motion to adopt and the Amendment was passed.

Senator Mansfield asked what the standard criteria was used to eliminate committees. Was it arbitrary or was there a concrete standard used for the cuts? Senator Rouzer stated there was no specific recipe. There was input from staff in the Pro Tem's, Speaker's office and from various Agency groups. Those that were deemed to be highly important would come to light through the legislative process. They tried to eliminate those that were a duplications or highly irrelevant.

Senator McKissick stated there were at least ten boards that he had concerns about and requested that Senator Rouzer or staff get back with him regarding the reasons for their elimination or reduction.

Senator Purcell stated if there was ever a bill that needed a fiscal note it would be this one due to the amount of federal dollars that would be lost and the loss of money to the state. Senator Purcell asked if a fiscal note could be requested by the committee. It was stated that the Chair could request a fiscal note.

The second amendment, CSLG-36, was handwritten and made by Senator Nesbitt regarding the Mountain Resources Commission and the technical advisory council. He then orally amended it to delete lines 19- 23 on Page 13. It stated that it does not involve any state money but does get some Federal money. The mountains have a tourism-driven economy. They meet once a quarter. This gets everyone together in a room to utilize their expertise in order to get federal money. It was displaced by Sen. Hartsell to be taken up later in the meeting so that Senator Rouzer could take a better look at it.

The third amendment, S851-ALG-101 v.2., was introduced by Sen. Rouzer regarding UNC-TV and he requested the committee's support, particularly since it involved fundraising. Senator East moved for Adoption, it was found favorable and the Amendment passed.

The fourth Amendment, S851-ARK-117 v.2, was submitted and introduced by Senator Hartsell. Senator Bingham stepped in to Chair so that Sen. Hartsell could explain the Amendment. The Amendment creates a consistency of language to the Workforce Development bill which was developed by the Program Evaluation Division. A motion was made by Senators Hise and Gunn to move for a favorable report. The motion carried and the Amendment was passed.

The fifth Amendment, S851-ALG-103 v.1, was submitted by Senator White regarding the Advisory Committee on Military Affairs, adding a new Coast Guard member or its Designee to Elizabeth City. Senator Rouzer stated it was a good Amendment and motioned to accept. The motion carried and the Amendment was passed.

Senator Bingham requested an Amendment to extend the Child Fatality Task Force to 2050 instead of 2015. Sen. Hartsell asked if this Amendment had been distributed; however, it was an oral amendment and, therefore, was displaced until the meeting reconvened after session.

The meeting recessed for the Finance Committee to begin and Senate Program Evaluation resumed at 3:30 p.m., after Session.

Senator Hartsell reconvened the meeting.

Senator Nesbitt's displaced Amendment was taken up again. Senator Nesbitt reiterated that the Mountain Commission did not use State money, obtains Federal money and gets folks together in one room, once a quarter to make sure everyone is communicating. Senator Hise was

recognized and encouraged people to vote against the Amendment. He stated the Mountain Resource Commission, when looking at what was attempting to be accomplished when it was established was a pathway to the first steps of Regionalized zoning in WNC, giving organizations over top of County organizations. It did not come to fruition but they have placed it on hold and put it in an advisory capacity. There are now Councils of Government all over North Carolina that handle this thus making this a redundant process. Additionally, its origins give him concern. Senator Tillman was recognized to speak. He asked Sen. Nesbitt what is wrong with it? Sen. Nesbitt said that the Councils Sen. Hise spoke of makes appointments to the Commission. He stated that Joe Sam Queen started this and it is not about a regional take over because you can barely get one county to agree on anything that is going on in the mountains. Sen. Hise stated that this is a taxpayer-funded organization because it is receiving federal funds. A motion was made and the Amendment was adopted.

Senator Hartsell then introduced the sixth Amendment, S851-ALG-107 v.1, submitted by Senator Purcell, regarding the Committee for the Blind. This gives people an opportunity to express their concerns and it is extremely important to keep. Senator Rouzer said that he did not have a specific objection to the Amendment and would not oppose it. Senator Hunt asked where the cuts came from and why there was nobody present to defend the cuts. It was stated that they came from the Pro Tem's office. There was a Motion by Sen. East to accept and the Amendment passed.

The seventh Amendment, S851-ALG-104 v.1, was submitted by Senator Purcell regarding the Justice-Warren Task Force. Heart disease and stroke are not going away. This bill is going to sunset it in 2015. The task force is working. Strokes have gone down from 85 to 60. The sunset will handicap their ability to obtain Federal grants. Sen. Rouzer stated that he has an Amendment to extend the sunset to 2019. Senator Purcell stated that they are doing what they were tasked to do. Senator Tillman stated that 2019 is far enough out for people to make their grant plans. He supports sun-setting all of them in order to make them accountable. Sen. Rouzer stated that all of these were created for a good purpose but the sunset helps keep them accountable, although he prefers that the sunset being put further out. He requested withdrawing the Amendment and he would come back with an Amendment for a sunset in 2019. The Amendment was withdrawn by Senator Purcell.

The eighth Amendment, CSLG-36, a handwritten amendment, introduced by Sen. Rouzer regarding the Justice-Warren Task Force, extending the sunset from 2015 to 2019. Senator East moved to approve, all voted, and the Amendment as passed. Senator Hartsell requested that it be noted in the minutes that Senator Mansfield recused himself from voting on the Justice-Warren Task Force and did not vote.

Amendment Nine was handwritten and introduced by Sen. Rouzer regarding Brain Injury Advisory Council substituting 2019 and deleting 2017. Sen. East moved to adopt. All agreed. The Amendment passed.

The tenth Amendment was handwritten and submitted by Sen. Rouzer regarding Art Museum Trustees. It reinstates Board members that were removed because they are fund-raisers. There was a motion made in favor by Senator Bingham. The Amendment passed.

Amendment 11, ALG-106- v.1 was introduced by Sen. Purcell regarding the Aging. It allows input regarding the Aging to the State and is supported by AARP. Sen. Rouzer asked how often they meet and Sen. Purcell replied four times a year. Sen. Rouzer asked if they were meeting

four times and year and Sen. Purcell said he believed they were. The Amendment was displaced. Later there was a motion by Senator Bingham to adopt and the Amendment was passed.

Amendment 12, introduced by Sen. Rouzer regarding the Arts Council, substituting membership that should have always been 18. Senator Tillman made a motion to adopt, all voted and the Amendment was passed.

Amendment 13: Was handwritten and introduced by Sen. Rouzer, deleting twelve and substituting 18 and substituting "six" each time it appears. A motion was made and the Amendment was Adopted.

Amendment 14, introduced by Senator Rouzer, a reporting requirement directing UN C Center for Nursing to report to the General Assembly regarding the continuing nurse shortage and measures taken to address the issue. Sen. Nesbitt stated that this was started long ago during the nursing shortage in order to make sure there were enough nurses. Sen. Tillman moved to adopt the Amendment and it was adopted.

Amendment 15 was handwritten and introduced by Sen. Mansfield. He stated that the bill dealing with Geographic Information Systems Review, stands in opposition to what the House was trying to do last session. Sen. Rouzer requested the Amendment be displaced. It was then withdrawn and replaced with Amendment 19.

Amendment 16, S851-ARC-53 v.1 was introduced by Senator Pate regarding Smart Start money. He stated that there are some efficiencies that can be made with the Partnership for Children, with private-sector money and fund raisers. Sen. Rouzer stated that he agreed with the Amendment. Sen. Pate moved for Adoption. The Amendment was adopted.

Amendment 17 was handwritten and introduced by Senator Atwater regarding the Environmental Management Commission. Sen. Rouzer did not support the Amendment, disagreeing with Sen. Atwater. He believes going from 19 to 13 Board members was appropriate. Sen. Nesbitt asked why you would remove the expertise in Water, Air, Public Health and Fisheries. Sen. Hise asked for a technical clarification-the Amendment would restore six positions. Sen. Hartsell requested perfecting language from Senator Atwater for his Amendment. Senator Mansfield stated that these cuts could seem capricious and arbitrary and needed to be defended. The Amendment was voted on "as perfected." The Amendment Failed.

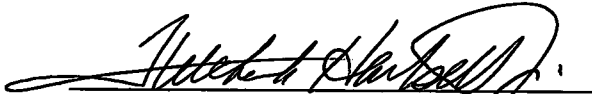
Amendment 18, S851-ALG-102 v.1, was introduced by Senator East regarding the State Board of Examiners of Electrical Contractors. A concerned constituent who is a contractor contacted him stating that there needs to be someone on the Board who is active in electrical contracting; therefore, this would place two members on the Board who are "actively engaged" in electrical contracting. Sen. Rouzer had to objection to the Amendment. Sen. Tillman asked for a clarification that this would not add to the committee but change the criteria of the membership. Senator East confirmed that it only changed the criteria. A lawyer for the Board, Nick Fountain, Young, Moore, was recognized and spoke from the audience. There was a Motion made by Sen. Tillman, the Amendment voted on and was adopted.

Amendment 19, S851-ATP-2 v.2, which had been withdrawn earlier regarding the North Carolina Geographic Information Coordinating Council, was now re-submitted. A motion was made by Senator Bingham to adopt and was accepted. The Amendment was Adopted.

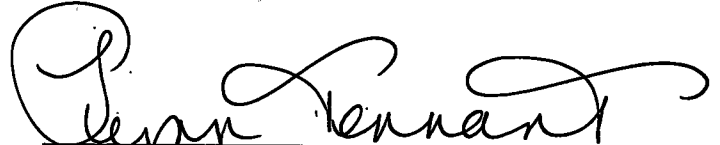
Senator Tillman made a motion to adopt the Proposed Committee Substitute for Senate Bill 85 [v.18]. The bill was voted on and passed unfavorable to the original bill, but favorable to the PCS. It was referred to the Committee on Finance.

Senate Bills 877, 878, 879, and 915 were not discussed.

The meeting adjourned at 5:00 p.m.



Senator Fletcher Hartsell, Presiding



Lynn Tennant, Committee Clerk

**Senate Program Evaluation Committee
Tuesday, June 5, 2012, 12:00 Noon
544 LOB**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 612	State Leased Space/Study Commission.	Senator Daniel
SB 841	Effective Utilization of PED.	Senator Hartsell
SB 851	Boards & Commissions Efficiency Act of 2012.	Senator Soucek Senator Rouzer Senator Brown
SB 877	Accountability for Taxpayer Investment Act.	Senator Soucek Senator Hise
SB 878	Smarter Gov/Business Intelligence Initiative.	Senator Brock Senator Soucek Senator Hise
SB 879	Establish Efficiency & Cost-Savings Commn.	Senator Soucek Senator Hise
SB 915	Public Infrastructure Oversight Commission.	Senator Hartsell

Presentations

Other Business

Adjournment

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on Program Evaluation will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 5, 2012	12:00 Noon	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 612	State Leased Space/Study Commission.	Senator Daniel
SB 841	Effective Utilization of PED.	Senator Hartsell
SB 851	Boards & Commissions Efficiency Act of 2012.	Senator Soucek
		Senator Rouzer
		Senator Brown
SB 877	Accountability for Taxpayer Investment Act.	Senator Soucek
		Senator Hise
SB 878	Smarter Gov/Business Intelligence Initiative.	Senator Brock
		Senator Soucek
		Senator Hise
SB 879	Establish Efficiency & Cost-Savings Commn.	Senator Soucek
		Senator Hise
SB 915	Public Infrastructure Oversight Commission.	Senator Hartsell

Senator Fletcher L. Hartsell, Jr., Chair

ATTENDANCE

Committee: PROGRAM EVALUATION COMMITTEE

NAMES:	DATES																	
	June 5,	2012																
Sen. Bob Atwater	✓																	
Sen. Stan Bingham	✓																	
Sen. Daniel Clodfelter	✓																	
Sen. Don East	✓																	
Sen. Rick Gunn	✓																	
Sen. Ralph Hise, Jr.	✓																	
Sen. Neal Hunt	✓																	
Sen. Eric L. Mansfield	✓																	
Sen. Floyd McKissick, Jr.	✓																	
Sen. Martin L. Nesbitt, Jr.	✓																	
Sen. Louis M. Pate, Jr.	✓																	
Sen. Jean Preston	✓																	
Sen. William R. Purcell	✓																	
Sen. David Rouzer	✓																	
Sen. Bill Rabon	✓																	
Sen. Jerry W. Tillman	✓																	
Sen. Stan M. White	✓																	
~~Sen. [REDACTED]~~																		
Sen. Fletcher Hartsell, ~~Chair~~ -Chair	✓																	
Sen. Wes Westmoreland	✓																	
Turcotte																		
Hal Puel																		
Myra Torrain																		
Donis																		
Larry Yates																		

Bingham opened

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**PROGRAM EVALUATION COMMITTEE REPORT
Senator Fletcher L. Hartsell, Jr., Chair**

Wednesday, June 06, 2012

Senator HARTSELL, JR.,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B.	612	State Leased Space/Study Commission.
		Draft Number: PCS 35370
		Sequential Referral: None
		Recommended Referral: None
		Long Title Amended: Yes
S.B.	851	Boards & Commissions Efficiency Act of 2012.
		Draft Number: PCS 35372
		Sequential Referral: None
		Recommended Referral: Finance
		Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comments:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**PROGRAM EVALUATION COMMITTEE REPORT
Senator Fletcher L. Hartsell, Jr., Chair**

Tuesday, June 05, 2012

Senator HARTSELL, JR.,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	841	Effective Utilization of PED.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comments:

S.B. 841
(ID #1012)

one pass

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 841

Short Title: Effective Utilization of PED. (Public)
Sponsors: Senator Hartsell.
Referred to: Program Evaluation.

May 22, 2012

A BILL TO BE ENTITLED
AN ACT TO ENSURE THAT THE RESOURCES OF THE PROGRAM EVALUATION
DIVISION ARE UTILIZED EFFECTIVELY BY THE GENERAL ASSEMBLY, AS
RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION
OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a new
section to read:

"§ 120-36.17. Program Evaluation Division impact statement.

(a) Every bill and resolution introduced in the General Assembly proposing a study or
evaluation by the Program Evaluation Division shall have attached to it at the time of its
consideration by the General Assembly an impact statement prepared by the Division. The
impact statement shall identify and estimate, to complete all studies and reports required by the
bill or resolution, all of the following: (i) the number of personnel required; (ii) the total
number of hours required; and (iii) the estimated costs.

(1) If, after review, the Division determines that no estimates are possible, the
impact statement shall contain a statement to that effect, setting forth the
reasons why no estimate can be given.

(2) The Division shall indicate whether the Division, based upon its current
annual work plan, has adequate and sufficient resources to undertake the
study or evaluation as part of the current annual work plan, and shall explain
the basis for its determination.

(3) If the Division determines that it would not be able to undertake the study or
evaluation as part of its current annual work plan, it shall indicate a time
frame in which it believes the study or evaluation could be accomplished.

(b) The sponsor of each bill or resolution to which this section applies shall present a
copy of the bill or resolution with the request for an impact statement to the Program
Evaluation Division. Upon receipt of the request and the copy of the bill or resolution, the
Program Evaluation Division shall prepare the impact statement as promptly as possible, but
shall transmit it to the sponsor within two weeks after the request is made, unless the sponsor
agrees to an extension of time. If the impact statement is not transmitted within two weeks, or
by the end of any extension of time as provided under this subsection, then there shall be no
impact statement required under this section.

(c) This impact statement shall be attached to the original of each proposed bill or
resolution that is reported favorably by any committee of the General Assembly, but shall be
separate from the bill or resolution and shall be clearly designated as an impact statement. An



* S 8 4 1 - V - 1 *

1 impact statement attached to a bill or resolution pursuant to this subsection is not a part of the
2 bill or resolution and is not an expression of legislative intent proposed by the bill or resolution.

3 (d) If a committee of the General Assembly reports favorably a proposed bill or
4 resolution that directs the Program Evaluation Division to conduct a study or evaluation, the
5 chair of the committee shall obtain from the Program Evaluation Division, and attach to the bill
6 or resolution, an impact statement as provided in this section."

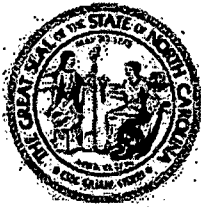
7 SECTION 2. G.S. 120-36.13(a) reads as rewritten:

8 "§ 120-36.13. Work plan and requests for program evaluation.

9 (a) Plan. – The Joint Legislative Program Evaluation Oversight Committee, in
10 consultation with the Director of the Program Evaluation Division, must establish an annual
11 work plan for the Division. The Division must adhere to this annual plan, unless the Joint
12 Legislative Program Evaluation Oversight Committee changes the annual plan to add a new
13 evaluation or remove a planned evaluation. Any enacted legislation that directs the Program
14 Evaluation Division to conduct a study or an evaluation is included in the annual work plan by
15 operation of ~~law~~; however, notwithstanding any other provision of law, if the enacted
16 legislation did not have an impact statement, as provided in G.S. 120-36.17, completed prior to
17 its consideration by the General Assembly, then the study or evaluation shall be included in the
18 next annual work plan adopted by the Committee and one year shall be added to any required
19 reporting dates included in the legislation, except that the impact statement is not required and
20 the evaluation may be included in the current work plan if the impact statement was not
21 provided pursuant to the time requirements in G.S. 120-36.17(b).

22 The annual work plan constitutes an information request and a drafting request made by the
23 Committee cochairs to legislative employees under Article 17 of Chapter 120 of the General
24 Statutes. Any document prepared by a legislative employee pursuant to the annual work plan
25 becomes available to the public only as provided in G.S. 120-131. Any document prepared by
26 an agency employee pursuant to a request under G.S. 120-131.1(a1) becomes available to the
27 public only as provided in G.S. 120-131."

28 SECTION 3. This act is effective when it becomes law.



SENATE BILL 841: Effective Utilization of PED

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Sen. Hartsell
Analysis of: First Edition

Date: June 4, 2012
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act provides that a bill or resolution that proposes a study or evaluation by the Program Evaluation Division shall have an impact statement prepared by the Division. The act is effective when it becomes law.*

[As introduced, this bill was identical to H1012, as introduced by Rep. Howard, which is currently in House Finance.]

CURRENT LAW: The General Statutes provide two methods for studies or evaluations to be included in the Program Evaluation Division's (PED) work plan.

(1) General Assembly members make a request to the PED. The Division Director must review the request, and then make a recommendation to the Oversight Committee whether to include the request in the work plan based upon the following criteria:

- The work required to conduct the evaluation.
- The effect of the request on the PED's ability to complete its work plan.
- The significance of the request compared to the evaluations to be conducted under the work plan.
- Any overlap between the request and other evaluations conducted by the PED or another agency.

(2) Enacted legislation that directs the PED to conduct a study or evaluation.

BILL ANALYSIS:

- This act provides that proposed legislation which imposes a requirement that a study or evaluation be included in the PED work plan have an impact statement attached to it.
- The bill sponsor would provide the PED with a copy of the bill or resolution, and the Division would be required to transmit the impact statement within two weeks after the request is made, unless an extension is agreed upon.
- The impact statement shall identify personnel needs, cost, and the expected completion time for the study or evaluation. If unable to provide an estimate, the impact statement would so indicate, and explain the reasons.
- The PED would be required to state whether, based on its current work plan, it has adequate and sufficient resources to undertake the study or evaluation as part of its current plan—and to state the basis for its determination. If the PED found that it would be unable to complete the request as part of its current plan, it would indicate a timeframe in which it expected the study or evaluation could be completed.

Senate Bill 841

Page 2

- If a bill or resolution is enacted without the impact statement, then the request would be included in the next annual work plan adopted by the Committee, and one year would be added to the reporting dates included in the legislation.
- If the impact statement is not provided by the Division within the deadline period, then there is no requirement that it be attached to the legislation, and the evaluation may be included in the current year work plan.

EFFECTIVE DATE: This act is effective when it becomes law.

S841-SMRK-170(e1) v1

PUBLIC BILL

PCS white motion to accept

S.B. 612

Bingham motion to
SESSION LAW PASS PLS

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON STATE LEASED SPACE.

Introduced by Senator(s)

Daniel

[illegible]

Principal Clerk's Use Only

FILED APR 14 2011

PASSED 1st READING

APR 19 2011

AND REFERRED TO COMMITTEE
ON Program Eval.

The Committee on Program Evaluation to whom this bill was referred, a majority being present and voting, has carefully considered the same and recommended that it do _____ pass.

For the Committee

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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1

SENATE BILL 612

Short Title:	State Leased Space/Study Commission.	(Public)
Sponsors:	Senators Daniel; Allran, Bingham, Brock, Brown, Brunstetter, Clary, Forrester, Goolsby, Gunn, Harrington, Hunt, Jackson, Meredith, Newton, Pate, Rabon, Rouzer, Rucho, Soucek, and Tillman.	
Referred to:	Program Evaluation.	

April 19, 2011

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON STATE
LEASED SPACE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established the Joint Legislative Study Commission on State Leased Space to examine space leased by State agencies. Specifically, the Commission shall examine at least the following:

- (1) The amount, cost, and nature of space currently leased by State agencies.
- (2) The procedure by which real property is leased by and allocated among State agencies.
- (3) Laws relating to the lease of real property by State agencies.
- (4) Whether the current manner of leasing real property is cost-effective and whether or not more cost-effective alternatives are available in certain cases.
- (5) Whether or not the current amount of space leased by the State could be reduced by more efficiently utilizing State-owned facilities.

SECTION 1.(b) The Commission shall consist of 11 members to be appointed as follows:

- (1) Five members of the Senate, appointed by the President Pro Tempore of the Senate.
- (2) Five members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (3) A member of the State Property Office of the Department of Administration, appointed by the Secretary of Administration.

SECTION 1.(c) The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Commission shall be filled by the same appointing authority who made the initial appointment. The Commission shall expire upon delivering its final report.

The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of



1 Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the
2 Commission, and the expenses relating to the clerical employees shall be borne by the
3 Commission. Members of the Commission shall receive subsistence and travel expenses at the
4 rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

5 **SECTION 2.** The Commission shall report its findings to the 2012 Regular Session
6 of the 2011 General Assembly upon convening.

7 **SECTION 3.** All State departments and agencies and local governments and their
8 subdivisions shall furnish the Commission with any information in their possession or available
9 to them.

10 **SECTION 4.** There is appropriated from the General Fund to the General
11 Assembly the sum of thirty thousand dollars (\$30,000) for the 2011-2012 fiscal year to carry
12 out the purposes of this act.

13 **SECTION 5.** This act becomes effective July 1, 2011.



SENATE BILL 612: State Leased Space/Study Commission

2011-2012 General Assembly

Committee: Senate Program Evaluation
Introduced by: Sen. Daniel
Analysis of: PCS to First Edition
S612-CSRK-82

Date: June 4, 2012
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act directs the Program Evaluation Division of the General Assembly to study and assess matters relating to the leasing of property by State agencies. This act is effective when it becomes law.*

BILL ANALYSIS: The act requires the Program Evaluation Division to study and access matters relating to leasing of State property, including but not limited to:

- The amount, cost, and nature of space currently leased by State agencies.
- The procedure by which real property is leased by and allocated among State agencies.
- Laws relating to the lease of real property by State agencies.
- Whether the current manner of leasing real property is cost-effective and whether or not more cost-effective alternatives are available in certain cases.
- Whether or not the current amount of space leased by the State could be reduced by more efficiently utilizing State owned facilities.
- Any other matters which the Division believes are relevant to its study.

The Program Evaluation Division shall submit its findings and any recommendations relating to the leasing of property by State agencies to the Joint Legislative Program Evaluation Oversight Committee, and to the Fiscal Research Division of the General Assembly, at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

EFFECTIVE DATE: This act is effective when it becomes law.

S612-SMRK-169(CSRK-82) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

S

D

**SENATE BILL 612
PROPOSED COMMITTEE SUBSTITUTE S612-CSRK-82 [v.2]**

6/4/2012 10:47:59 AM

Short Title: State Leased Space/PED Study.

(Public)

Sponsors:

Referred to:

April 19, 2011

**A BILL TO BE ENTITLED
AN ACT TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY AND
ASSESS THE LEASING OF PROPERTY BY STATE AGENCIES.**

The General Assembly of North Carolina enacts:

SECTION 1. The Program Evaluation Division of the General Assembly shall study and assess matters relating to the leasing of property by State agencies, including but not limited to, the following:

- (1) The amount, cost, and nature of space currently leased by State agencies.
- (2) The procedure by which real property is leased by and allocated among State agencies.
- (3) Laws relating to the lease of real property by State agencies.
- (4) Whether the current manner of leasing real property is cost-effective and whether or not more cost-effective alternatives are available in certain cases.
- (5) Whether or not the current amount of space leased by the State could be reduced by more efficiently utilizing State-owned facilities.
- (6) Any other matters which the Division believes are relevant to its study.

SECTION 2. The Program Evaluation Division shall submit its findings and any recommendations relating to the leasing of property by State agencies to the Joint Legislative Program Evaluation Oversight Committee, and to the Fiscal Research Division of the General Assembly, at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

SECTION 3. This act becomes effective July 1, 2012.



Public

^{motion}
Atwater Adopted PCS
Amendments

S.B. 851
(ID)

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES, REORGANIZING THE MEMBERSHIP OF SOME STATE BOARDS, COMMISSIONS, AND COMMITTEES, AND MAKING CONFORMING CHANGES, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.

Introduced by Senator(s)

Berkman

Brown

[Signature]

Rouzer

[Signature]

Soucek

[Signature]

Principal Clerk's Use Only

FILED MAY 21 2012

PASSED 1st READING

MAY 22 2012

AND REFERRED TO COMMITTEE

ON: Program Evaluation

The Committee on Program Evaluation to whom this bill was referred, a majority being present and voting, has carefully considered the same and recommended that it do _____ pass.

For the Committee _____

V. 18 - (Rouzer) extended

Amendment 1) motion Hisc Adopted

Amendment 2) Nesbitt set aside
Change of Lines
(see attached)

Amendment ALG 101-VZ
Rouzer -
Motion from East
& Passed

CSLG-36 Nesbitt et al

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 851*

Short Title: Boards & Commissions Efficiency Act of 2012. (Public)

Sponsors: Senators Brown, Rouzer, Soucek; Jackson and Rabon.

Referred to: Program Evaluation.

May 22, 2012

A BILL TO BE ENTITLED
AN ACT TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT BY ABOLISHING
CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES,
REORGANIZING THE MEMBERSHIP OF SOME STATE BOARDS, COMMISSIONS,
AND COMMITTEES, AND MAKING CONFORMING CHANGES, AS
RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.

The General Assembly of North Carolina enacts:

**PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS
THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED
CRITICAL**

LEGISLATIVE INTENT AND FINDINGS

SECTION 1. The intent of the North Carolina General Assembly is to ensure wise expenditures of taxpayer dollars and increase efficiency in governmental services. Legislative findings indicate more than 500 boards and commissions containing more than 5,000 members were authorized by statute and by Executive Order as of January 2011. Additional findings suggest the average cost to the State is almost eight hundred dollars (\$800.00) per member per year. The steady proliferation of executive boards and commissions has done little to improve the functioning of government or the services provided to citizens at substantial costs to the taxpayer. Therefore, it is the intent of the General Assembly to both eliminate and diminish membership of certain boards and commissions in order to eliminate financial waste and provide more efficient and effective services to the citizens of North Carolina.

GOVERNOR'S ADVISORY COUNCIL ON AGING

SECTION 1.1. G.S. 143B-138.1(b)(2) and Part 14 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-180 and G.S. 143B-181, are repealed.

NORTH CAROLINA AGRICULTURAL HALL OF FAME BOARD OF DIRECTORS

SECTION 1.2.(a) G.S. 106-568.14 and G.S. 106-568.15 are repealed.

SECTION 1.2.(b) G.S. 106-568.16 reads as rewritten:

"§ 106-568.16. Admission of candidates to Hall of Fame.

The ~~said board~~ Board of Agriculture is hereby empowered to formulate rules and regulations governing acceptance and admission of candidates to ~~said the~~ North Carolina Agricultural Hall of Fame, provided that no name shall be accepted until an authentic and written record of



* S 8 5 1 - V - 1 *

1 achievements of said person in agricultural activities shall have been presented to and accepted
2 by a majority vote of said board created by this Article, and provided that both men and women
3 are eligible for recognition."

4 **SECTION 1.2.(c)** G.S. 106-568.17 reads as rewritten:

5 **"§ 106-568.17. Acceptance of gifts, devises, and awards; display thereof.**

6 The ~~said board~~ Board of Agriculture is ~~hereby~~ empowered to accept and receive gifts,
7 devises, and awards which are to become the sole property of ~~said the~~ North Carolina
8 Agricultural Hall of Fame and are to be kept in a proper manner in a suitable room or hall in
9 some state-owned building in Raleigh, provided that duplicates of ~~such~~ gifts, devises, and
10 awards may be displayed in a suitable room or hall in the School of Agriculture of the North
11 Carolina State College of Agriculture and Engineering at Raleigh, North Carolina."

12 **AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION**

13 **SECTION 1.3.** Article 19 of Chapter 120 of the General Statutes, G.S. 120-150
14 through G.S. 120-154, and G.S. 143-318.14A(a)(15) are repealed.

15 **AMERICA'S FOUR HUNDREDTH ANNIVERSARY COMMISSION**

16 **SECTION 1.4.(a)** Part 13 of Article 2 of Chapter 143B of the General Statutes,
17 G.S. 143B-85 and G.S. 143B-86, and G.S. 143B-51(b)(15) are repealed.

18 **SECTION 1.4.(b)** G.S. 143B-53 reads as rewritten:

19 **"§ 143B-53. Organization of the Department.**

20 The Department of Cultural Resources shall be organized initially to include the Art
21 Commission, the Art Museum Building Commission, the North Carolina Historical
22 Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission,
23 the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the
24 American Revolution Bicentennial Committee, the North Carolina Awards Committee, ~~the~~
25 ~~America's Four Hundredth Anniversary Committee,~~ the North Carolina Arts Council, the
26 Public Librarian Certification Commission, the State Library Commission, the North Carolina
27 Symphony Society, Inc., the North Carolina State Art Society, and the Division of the State
28 Library, the Division of Archives and History, the Division of the Arts, and such other
29 divisions as may be established under the provisions of the Executive Organization Act of
30 1973."

31 **COMMISSION OF ANATOMY**

32 **SECTION 1.5.(a)** Part 1 of Article 1B of Chapter 130A of the General Statutes,
33 except G.S. 130A-33.22, is repealed.

34 **SECTION 1.5.(b)** G.S. 130A-29 reads as rewritten:

35 **"§ 130A-29. Commission for Public Health – Creation, powers and duties.**

36 (a) The Commission for Public Health is created with the authority and duty to adopt
37 rules to protect and promote the public health.

38 (b) The Commission is authorized to adopt rules necessary to implement the public
39 health programs administered by the Department as provided in this Chapter.

40 (c) The Commission shall adopt rules:

41 ...

42 (11) Pertaining to the distribution of dead human bodies and parts thereof for the
43 purpose of promoting the study of anatomy in the State of North Carolina.
44 The Commission is authorized to receive dead bodies pursuant to
45 G.S. 130A-412.13 and to be a donee of a body or parts thereof pursuant to
46 Part 3A of Article 16 of Chapter 130A of the General Statutes known as the
47 Revised Uniform Anatomical Gift Act and to distribute such bodies or parts
48 thereof pursuant to the rules adopted by the Commission.
49
50
51

- (d) The Commission is authorized to create:
- (1) Metropolitan water districts as provided in G.S. 162A-33;
 - (2) Sanitary districts as provided in Part 2 of Article 2 of this Chapter; and
 - (3) Mosquito control districts as provided in Part 2 of Article 12 of this Chapter.
- (e) Rules adopted by the Commission shall be enforced by the Department."

SECTION 1.5.(c) G.S. 130A-33.32 is recodified as G.S. 130A-33.1 and reads as rewritten:

"§ 130A-33.1. Commission of ~~Anatomy~~for Public Health – Reference to former Board of Anatomy in testamentary disposition.

A testamentary disposition of a body or part thereof to the former Board of Anatomy shall be deemed in all respects to be a disposition to the Commission of ~~Anatomy~~for Public Health."

SECTION 1.5.(d) G.S. 130A-398 reads as rewritten:

"§ 130A-398. Limitation on right to perform autopsy.

The right to perform an autopsy shall be limited to those cases in which:

...

- (2) The Commission of ~~Anatomy~~for Public Health, acting pursuant to G.S. 130A-415, has given written consent for an autopsy to be performed on an unclaimed body;

...."

SECTION 1.5.(e) G.S. 130A-412.13 reads as rewritten:

"§ 130A-412.13. Persons that may receive anatomical gift; purpose of anatomical gift.

(a) An anatomical gift may be made to the following persons named in the document of gift:

- (1) A hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person, including the Commission of ~~Anatomy~~for Public Health, for research or education;
- (2) Subject to subsection (b) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the body part;
- (3) An eye bank or tissue bank.

...."

SECTION 1.5.(f) G.S. 130A-415 reads as rewritten:

"§ 130A-415. Unclaimed bodies; bodies claimed by the Lifeguardianship Council of the Association for Retarded Citizens of North Carolina; disposition.

(a) Any person, including officers, employees and agents of the State or of any unit of local government in the State, undertakers doing business within the State, hospitals, nursing homes or other institutions, having physical possession of a dead body shall make reasonable efforts to contact relatives of the deceased or other persons who may wish to claim the body for final disposition. If the body remains unclaimed for final disposition for 10 days, the person having possession shall notify the Commission of ~~Anatomy~~for Public Health. Upon request of the Commission of ~~Anatomy~~for Public Health, the person having possession shall deliver the dead body to the Commission of ~~Anatomy~~for Public Health at a time and place specified by the Commission of ~~Anatomy~~for Public Health or shall permit the Commission of ~~Anatomy~~for Public Health to take and remove the body.

(b) All dead bodies not claimed for final disposition within 10 days of the decedent's death may be received and delivered by the Commission of ~~Anatomy~~for Public Health pursuant to the authority contained in ~~G.S. 130A-33.30~~G.S. 130A-29 and this Part and in accordance with the rules of the Commission of ~~Anatomy~~for Public Health. Upon receipt of a body by the Commission of ~~Anatomy~~for Public Health all interests in and rights to the unclaimed dead body shall vest in the Commission of ~~Anatomy~~for Public Health. The recipient to which the Commission of ~~Anatomy~~for Public Health delivers the body shall pay all expenses for the

1 embalming and delivery of the body, and for the reasonable expenses arising from efforts to
2 notify relatives or others.

3 (b1) The 10-day period referenced in subsections (a) and (b) of this section may be
4 shortened by the county director of social services upon determination that a dead body will not
5 be claimed for final disposition within the 10-day period.

6 (c) Should the ~~Commission of Anatomy for Public Health~~ decline to receive a dead
7 body, the person with possession shall inform the director of social services of the county in
8 which the body is located. The director of social services of that county shall arrange for
9 prompt final disposition of the body, either by cremation or burial. Reasonable costs of
10 disposition and of efforts made to notify relatives and others shall be considered funeral
11 expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-8. If those
12 expenses cannot be satisfied from the decedent's estate, they shall be borne by the decedent's
13 county of residence. If the deceased is not a resident of this State, or if the county of residence
14 is unknown, those expenses shall be borne by the county in which the death occurred.

15 (d) No autopsy shall be performed on an unclaimed body without the written consent of
16 the ~~Commission of Anatomy for Public Health~~ except that written consent is not required for an
17 autopsy performed pursuant to Part 2 of this Article.

18 (e) Due caution shall be taken to shield the unclaimed body from public view.

19 (f) Notwithstanding anything contained in this section, an unclaimed body shall not
20 mean a dead body for which the deceased has made a gift pursuant to Part 3A of this Article.

21 (g) Nothing in this Part shall require the officers, employees or agents of a county to
22 notify the ~~Commission of Anatomy for Public Health~~ regarding the bodies of minors who were
23 in the custody of the county at the time of death and whose final disposition will be arranged by
24 the county. In the absence of notification, the expenses of the final disposition shall be a charge
25 upon the county having custody.

26 (h) The provisions of this Part shall not apply to bodies within the jurisdiction of the
27 medical examiner under G.S. 130A-383 or 130A-384.

28 (i) In addition to the other duties of the ~~Commission of Anatomy for Public Health~~,
29 when the ~~Commission of Anatomy for Public Health~~ is notified by the Lifeguardianship Council
30 of the Association of Retarded Citizens of North Carolina, Inc., that the Council intends to
31 claim a body, the Commission shall release the body to the Council. The Lifeguardianship
32 Council shall notify the ~~Commission of Anatomy for Public Health~~ within 24 hours after death
33 of its intent to claim a body for burial or other humane and caring disposition."

34 **SECTION 1.5.(g) G.S. 130A-416 reads as rewritten:**

35 **"§ 130A-416. ~~Commission of Anatomy for Public Health~~ rules.**

36 The ~~Commission of Anatomy for Public Health~~ is authorized to adopt rules necessary to
37 implement the provisions of this Part."

38 **SECTION 1.5.(h) G.S. 130A-418 reads as rewritten:**

39 **"§ 130A-418. Deceased migrant agricultural workers and their dependents.**

40 ...
41 (b) If the identity of the person cannot be determined within a reasonable period of
42 time, or if the body is unclaimed 10 days after death, the body shall be offered to the
43 ~~Commission of Anatomy for Public Health~~ and, upon its request, shall be delivered to the
44 ~~Commission of Anatomy for Public Health~~. If the ~~Commission of Anatomy for Public Health~~
45 does not request an unclaimed body offered it or the estate, and if the relatives or other
46 interested persons claiming the body are unable to provide for the final disposition of the
47 migrant agricultural worker or dependent, the Department is authorized and directed to arrange
48 for the final disposition of the decedent.

49"

50 **SECTION 1.5.(i) G.S. 143B-138.1 reads as rewritten:**

51 **"§ 143B-138.1. Department of Health and Human Services – functions and organization.**

1 ...
2 (d) All functions, powers, duties, and obligations previously vested in the following
3 commissions, boards, councils, committees, or subunits of the Department of Environment,
4 Health, and Natural Resources are transferred to and vested in the Department of Health and
5 Human Services by a Type II transfer, as defined in G.S. 143A-6:

- 6 (1) Commission for Public Health.
- 7 (2) Council on Sickle Cell Syndrome.
- 8 (3) Repealed by Session Laws 2011-266, s. 1.30(b), effective July 1, 2011.
- 9 (4) ~~Commission of Anatomy.~~
- 10 (5) Minority Health Advisory Council.
- 11 (6) Advisory Committee on Cancer Coordination and Control.

12"

13 14 NORTH CAROLINA APPRENTICESHIP COUNCIL

15 SECTION 1.6.(a) Chapter 94 of the General Statutes reads as rewritten:

16 "Chapter 94.

17 "Apprenticeship.

18 "§ 94-1. Purpose.

19 The purposes of this Chapter are: to open to young people the opportunity to obtain training
20 that will equip them for profitable employment and citizenship; to set up, as a means to this
21 end, a program of voluntary apprenticeship under approved apprentice agreements providing
22 facilities for their training and guidance in the arts and crafts of industry and trade, with parallel
23 instruction in related and supplementary education; to promote employment opportunities for
24 young people under conditions providing adequate training and reasonable earnings; to relate
25 the supply of skilled workers to employment demands; to establish standards for apprentice
26 training; to establish an Apprenticeship Council and apprenticeship committees and sponsors to
27 assist in effectuating the purposes of this Chapter; to provide for a Director of Apprenticeship
28 within the Department of Labor; to provide for reports to the legislature and to the public
29 regarding the status of apprentice training in the State; to establish a procedure for the
30 determination of apprentice agreement controversies; and to accomplish related ends.

31 ~~"§ 94-2. Apprenticeship Council.~~

32 ~~The Commissioner of Labor shall appoint an Apprenticeship Council composed of four~~
33 ~~representatives each from employer and employee organizations respectively and three~~
34 ~~representatives from the public at large. One State official designated by the Department of~~
35 ~~Public Instruction and one State official designated by the Department of Community Colleges~~
36 ~~shall be a member ex officio of said council, without vote. The terms of office of the members~~
37 ~~of the Apprenticeship Council first appointed by the Commissioner of Labor shall expire as~~
38 ~~designated by the Commissioner at the time of making the appointment: two representatives~~
39 ~~each of employers and employees, being appointed for one year and one representative of the~~
40 ~~public at large being appointed for two years; and one representative each of employers,~~
41 ~~employees, and the public at large being appointed for a term of three years. Any member~~
42 ~~appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall~~
43 ~~be appointed for the remainder of said term. Each member of the Council not otherwise~~
44 ~~compensated by public moneys, shall be reimbursed for transportation and shall receive such~~
45 ~~per diem compensation as is provided generally for boards and commissions under the biennial~~
46 ~~maintenance appropriation acts for each day spent in attendance at meetings of the~~
47 ~~Apprenticeship Council. The Commissioner of Labor shall annually appoint one member of the~~
48 ~~Council to act as its chairman.~~

49 ~~The Apprenticeship Council shall meet at the call of the Commissioner of Labor and shall~~
50 ~~aid him in formulating policies for the effective administration of this Chapter. Subject to the~~
51 ~~approval of the Commissioner, the Apprenticeship Council shall establish standards for~~

1 apprentice agreement which in no case shall be lower than those prescribed by this Chapter,
2 shall issue such rules and regulations as may be necessary to carry out the intent and purposes
3 of said Chapter, and shall perform such other functions as the Commissioner may direct. Not
4 less than once a year the Apprenticeship Council shall make a report through the
5 Commissioner of Labor of its activities and findings to the legislature and to the public.

6 **"§ 94-3. Director of Apprenticeship.**

7 The Commissioner of Labor is hereby directed to appoint a Director of Apprenticeship
8 which appointment shall be subject to the confirmation of the State Apprenticeship Council by
9 a majority vote. Apprenticeship. The Commissioner of Labor is further authorized to appoint
10 and employ such clerical, technical, and professional help as shall be necessary to effectuate the
11 purposes of this Chapter.

12 **"§ 94-5. Apprenticeship committees and program sponsors.**

13 (a) As used in this Chapter:

14 ...
15 (5) "Apprenticeship committee" means those persons designated by the sponsor,
16 and approved by the Apprenticeship Council, Commissioner of Labor to act
17 for it in the administration of the apprenticeship program. A committee may
18 be "joint," i.e., it is composed of an equal number of representatives of the
19 employer(s) and of the employees represented by a bona fide collective
20 bargaining agent(s) and has been established to conduct, operate or
21 administer an apprenticeship program and enter into apprenticeship
22 agreements with apprentices. A committee may be "unilateral" or "nonjoint"
23 which shall mean a program sponsor in which employees or a bona fide
24 collective bargaining agent is not a party.

25 (b) An apprenticeship committee may be appointed by the Apprenticeship
26 Council, Commissioner of Labor in any trade or group of trades in a city or trade area, whenever
27 the apprentice training needs of such trade or group of trades justifies such establishment.

28 ...
29 **"§ 94-6. Definition of an apprentice.**

30 The term "apprentice," as used herein, shall mean a person at least 16 years of age who is
31 covered by a written apprenticeship agreement approved by the Apprenticeship
32 Council, Commissioner of Labor, which apprenticeship agreement provides for not less than
33 2,000 hours of reasonably continuous employment for such person for his participation in an
34 approved schedule of work experience and for organized, related supplemental instruction in
35 technical subjects related to the trade. A minimum of 144 hours of related supplemental
36 instruction for each year of apprenticeship is recommended. The required hours for
37 apprenticeship agreements and the recommended hours for related supplemental instruction
38 may be decreased or increased in accordance with standards adopted by the apprenticeship
39 committee or sponsor, subject to approval of the Commissioner of Labor.

40 **"§ 94-7. Contents of agreement.**

41 Every apprentice agreement entered into under this Chapter shall contain:

42 ...
43 (8) A provision that all controversies or differences concerning the apprentice
44 agreement which cannot be adjusted locally in accordance with G.S. 94-5
45 shall be submitted to the Director for determination.

46"

47 **SECTION 1.6.(b)** G.S. 143A-71 is repealed.

48
49 **NORTH CAROLINA ART SOCIETY, INC.**

50 **SECTION 1.7.(a)** Effective October 1, 2012, G.S. 105-275(41) is repealed.

51 **SECTION 1.7.(b)** Effective October 1, 2012, G.S. 135-27 reads as rewritten:

"§ 135-27. Transfers from State to certain association service.

...
(d) The governing board of any association or organization listed in subsection (a), in its discretion, may elect on or before July 1, 1983, by an appropriate resolution of said board, to cause the employees of such association or organization so employed prior to July 1, 1983, to become members of the Teachers' and State Employees' Retirement System. Such Retirement System coverage shall be conditioned on such association's or organization's paying all of the employer's contributions or matching funds from funds of the association or organization and on such board's collecting from its employees the employees' contributions at such rates as may be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive coverage of the employees of any such association or organization may also be effected to the extent that such board requests; provided, the association or organization shall pay all of the employer's contributions or matching funds necessary for such purposes; and, provided further, such association or organization shall collect from its employees all employees' contributions necessary for such purpose, computed at such rates and in such amount as the Board of Trustees of the Retirement System shall determine, all of such funds to be paid to the Retirement System, together with such interest as may be due, and placed in the appropriate funds. The provisions of this subsection shall be fully applicable to the North Carolina Symphony Society, Inc. and the North Carolina State Art Society, Inc.

....
SECTION 1.7.(c) Effective October 1, 2012, Article 3 of Chapter 140 of the General Statutes, G.S. 143B-51(7), and Part 15 of Article 2 of Chapter 143B of the General Statutes are repealed.

SECTION 1.7.(d) Effective October 1, 2012, G.S. 143B-53, as amended by Section 1.4(c) of this act, reads as rewritten:

"§ 143B-53. Organization of the Department.

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., ~~the North Carolina State Art Society,~~ and the Division of the State Library, the Division of Archives and History, the Division of the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

BEAVER DAMAGE CONTROL ADVISORY BOARD

SECTION 1.8. G.S. 113-291.10 is repealed.

CONSUMER AND ADVOCACY ADVISORY COMMITTEE FOR THE BLIND

SECTION 1.9.(a) Part 9 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-163 and G.S. 143B-164, and G.S. 143B-131.1(b)(5) are repealed.

SECTION 1.9.(b) G.S. 143B-157 reads as rewritten:

"§ 143B-157. Commission for the Blind – creation, powers and duties.

There is recreated the Commission for the Blind of the Department of Health and Human Services with the power and duty to adopt rules governing the conduct of the State's rehabilitative programs for the blind that are necessary to carry out the provisions and purposes of this Article.

(3h) The Commission shall make a continuing study of the entire range of problems and needs of the blind and visually impaired population of this State and make specific recommendations to the Secretary of Health and Human Services as to how these may be solved or alleviated through legislative action. The Commission shall examine national trends and programs of other states, as well as programs and priorities in North Carolina. Because of the cost of treating persons who lose their vision, the Commission's duties shall also include studying and making recommendations to the Secretary of Health and Human Services concerning methods of preventing blindness and restoring vision;

(3i) The Commission shall advise all State boards, commissions, agencies, divisions, departments, schools, corporations, or other State-administered associations or entities, including the secretary, director, and members of said boards, commissions, agencies, divisions, departments, and schools, on the needs of the citizens of the State of North Carolina who are now or will become visually impaired;

(3j) The Commission shall also advise every State board, commission, agency, division, department, school, corporation, or other State-administered associations or entities concerning sight conservation programs that it supervises, administers, or controls;

...."

BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE

SECTION 1.10. Sections 3 and 4 of S.L. 2003-404 are repealed.

NORTH CAROLINA BRAIN INJURY ADVISORY COUNCIL

SECTION 1.11. Part 33 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.65 and G.S. 143B-216.66, is repealed.

NORTH CAROLINA CAPITAL PLANNING COMMISSION

SECTION 1.12. Part 3 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-373 and G.S. 143-143B-374, is repealed.

NORTH CAROLINA CENTER FOR NURSING

SECTION 1.13.(a) G.S. 90-171.71 reads as rewritten:

"§ 90-171.71. North Carolina Center for Nursing; governing board; Nursing.

~~(a) The North Carolina Center for Nursing shall be governed by a policy-setting board of directors. The Board shall consist of 16 members, with a simple majority of the Board being nurses representative of various practice areas. Other members shall include representatives of other health care professions, business and industry, health care providers, and consumers. The Board shall be appointed as follows:~~

~~(1) Four members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, at least one of whom shall be a registered nurse and at least one other a representative of the hospital industry;~~

~~(2) Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, at least one of whom shall be a registered nurse and at least one other a representative of the long-term care industry;~~

~~(3) Four members appointed by the Governor, two of whom shall be registered nurses; and~~

1 (4) ~~Four nurse educators, one of whom shall be appointed by the Board of~~
2 ~~Governors of The University of North Carolina, one other by the State Board~~
3 ~~of Community Colleges, one other by the North Carolina Association of~~
4 ~~Independent Colleges and Universities, and one by the Area Health~~
5 ~~Education Centers Program.~~

6 (b) ~~The initial terms of the members shall be as follows:~~

7 (1) ~~Of the members appointed pursuant to subdivision (1) of subsection (a) of~~
8 ~~this section, two shall be appointed for terms expiring June 30, 1994, one for~~
9 ~~a term expiring June 30, 1993, and one for a term expiring June 30, 1992;~~

10 (2) ~~Of the members appointed pursuant to subdivision (2) of subsection (a) of~~
11 ~~this section, one shall be appointed for a term expiring June 30, 1994, two~~
12 ~~for terms expiring June 30, 1993, and one for a term expiring June 30, 1992;~~

13 (3) ~~Of the members appointed pursuant to subdivision (3) of subsection (a) of~~
14 ~~this section, one shall be appointed for a term expiring June 30, 1994, one~~
15 ~~for a term expiring June 30, 1993, and two for terms expiring June 30, 1992;~~
16 ~~and~~

17 (4) ~~Of the members appointed pursuant to subdivision (4) of subsection (a) of~~
18 ~~this section, the terms of the members appointed by the Board of Governors~~
19 ~~of The University of North Carolina and the State Board of Community~~
20 ~~Colleges shall expire June 30, 1994; the term of the member appointed by~~
21 ~~the North Carolina Association of Independent Colleges shall expire June~~
22 ~~30, 1993; and the term of the member appointed by the Area Health~~
23 ~~Education Centers Program shall expire June 30, 1992.~~

24 ~~After the initial appointments expire, the terms of all of the members shall be three years, with~~
25 ~~no member serving more than two consecutive terms.~~

26 (e) ~~The Board of Directors shall have the following powers and duties:~~

27 (1) ~~To employ the executive director;~~

28 (2) ~~To determine operational policy;~~

29 (3) ~~To elect a chairperson and officers, to serve two year terms. The chairperson~~
30 ~~and officers may not succeed themselves;~~

31 (4) ~~To establish committees of the Board as needed;~~

32 (5) ~~To appoint a multidisciplinary advisory council for input and advice on~~
33 ~~policy matters;~~

34 (6) ~~To implement the major functions of the Center for Nursing as established in~~
35 ~~the goals set out in subsection (a) of this section; and~~

36 (7) ~~To seek and accept non-State funds for carrying out Center policy.~~

37 (d) ~~The Board shall receive the per diem and allowances prescribed by G.S. 138-5 for~~
38 ~~State boards and commissions.~~

39 (e) ~~The North Carolina Center for Nursing shall be administered by The University of~~
40 ~~North Carolina through the Center's Board of Directors established under this~~
41 ~~section. Carolina."~~

42 SECTION 1.13.(b) G.S. 126-5 reads as rewritten:

43 "§ 126-5. Employees subject to Chapter; exemptions.

44 ...

45 (c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this
46 Chapter shall not apply to:

47 ...

48 (16) ~~The executive director and one associate director of the North Carolina~~
49 ~~Center for Nursing established under Article 9F of Chapter 90 of the General~~
50 ~~Statutes.~~

51 "

NORTH CAROLINA CHILD FATALITY TASK FORCE

SECTION 1.14.(a) G.S. 7B-1402, 7B-1403, and 7B-1412 are repealed.

SECTION 1.14.(b) G.S. 7B-1401 reads as rewritten:

"§ 7B-1401. Definitions.

The following definitions apply in this Article:

- (1) Additional Child Fatality. – Any death of a child that did not result from suspected abuse or neglect and about which no report of abuse or neglect had been made to the county department of social services within the previous 12 months.
- (2) Local Team. – A Community Child Protection Team or a Child Fatality Prevention Team.
- (3) State Team. – The North Carolina Child Fatality Prevention Team.
- (4) ~~Task Force. – The North Carolina Child Fatality Task Force.~~
- (5) Team Coordinator. – The Child Fatality Prevention Team Coordinator."

SECTION 1.14.(c) G.S. 7B-1404 reads as rewritten:

"§ 7B-1404. State Team – creation; membership; vacancies.

(a) There is created the North Carolina Child Fatality Prevention Team within the Department of Health and Human Services for budgetary purposes only.

(b) The State Team shall be composed of the following 11 members of whom nine members are ex officio and two are appointed:

- (1) The Chief Medical Examiner, who shall chair the State Team;
- (2) The Attorney General;
- (3) The Director of the Division of Social Services, Department of Health and Human Services;
- (4) The Director of the State Bureau of Investigation;
- (5) The Director of the Division of Maternal and Child Health of the Department of Health and Human Services;
- (6) The Superintendent of Public Instruction;
- (7) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services;
- (8) The Director of the Administrative Office of the Courts;
- (9) ~~The A pediatrician appointed pursuant to G.S. 7B-1402(b) to the Task Force; by the Governor;~~
- (10) A public member, appointed by the Governor; and
- (11) The Team Coordinator.

The ex officio members other than the Chief Medical Examiner may designate a representative from their departments, divisions, or offices to represent them on the State Team.

(c) All members of the State Team are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment."

SECTION 1.14.(d) G.S. 7B-1405 reads as rewritten:

"§ 7B-1405. State Team – duties.

The State Team shall:

- (1) Review current deaths of children when those deaths are attributed to child abuse or neglect or when the decedent was reported as an abused or neglected juvenile pursuant to G.S. 7B-301 at any time before death;
- (2) Report to the ~~Task Force during the existence of the Task Force, in the format and at the time required by the Task Force,~~ Department of Health and Human Services on the State Team's activities and its recommendations for changes to any law, rule, and policy that would promote the safety and well-being of children;

- (3) Upon request of a Local Team, provide technical assistance to the Team;
- (4) Periodically assess the operations of the multidisciplinary child fatality prevention system and make recommendations for changes as needed;
- (5) Work with the Team Coordinator to develop guidelines for selecting child deaths to receive detailed, multidisciplinary death reviews by Local Teams that review cases of additional child fatalities; and
- (6) Receive reports of findings and recommendations from Local Teams that review cases of additional child fatalities and work with the Team Coordinator to implement recommendations."

SECTION 1.14.(e) G.S. 7B-1413 reads as rewritten:

"§ 7B-1413. Access to records.

(a) ~~The State Team, Team and the Local Teams, and the Task Force during its existence, Teams~~ shall have access to all medical records, hospital records, and records maintained by this State, any county, or any local agency as necessary to carry out the purposes of this Article, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. ~~The State Team, the Task Force, Team and the Local Teams~~ shall not, as part of the reviews authorized under this Article, contact, question, or interview the child, the parent of the child, or any other family member of the child whose record is being reviewed. Any member of a Local Team may share, only in an official meeting of that Local Team, any information available to that member that the Local Team needs to carry out its duties.

...

(c) All otherwise confidential information and records acquired by the ~~State Team, Team and the Local Teams, and the Task Force during its existence, Teams~~ in the exercise of their duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the ~~State Team, Team and the Local Teams, and the Task Force, Teams~~. In addition, all otherwise confidential information and records created by a Local Team in the exercise of its duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the Local Team. No member of the State Team, a Local Team, nor any person who attends a meeting of the State Team or a Local Team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meetings. This subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.

...."

SECTION 1.14.(e) G.S. 7B-1414 reads as rewritten:

"§ 7B-1414. Administration; funding.

(a) To the extent of funds available, ~~the chairs of the Task Force and State Team~~ may hire staff or consultants to assist ~~the Task Force and the State Team~~ in completing their duties.

(b) Members, staff, and consultants of the ~~Task Force or State Team~~ shall receive travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the case may be, paid from funds appropriated to implement this Article and within the limits of those funds.

(c) ~~With the approval of the Legislative Services Commission, legislative staff and space in the Legislative Building and the Legislative Office Building may be made available to the Task Force."~~

SECTION 1.14.(f) G.S. 7B-2902 reads as rewritten:

"§ 7B-2902. Disclosure in child fatality or near fatality cases.

(a) The following definitions apply in this section:

...

(2) Findings and information. – A written summary, as allowed by subsections (c) through (f) of this section, of actions taken or services rendered by a public agency following receipt of information that a child might be in need of protection. The written summary shall include any of the following information the agency is able to provide:

- a. The dates, outcomes, and results of any actions taken or services rendered.
- b. The results of any review by the State Child Fatality Prevention Team, a local child fatality prevention team, a local community child protection team, ~~the Child Fatality Task Force~~, or any public agency.
- c. Confirmation of the receipt of all reports, accepted or not accepted by the county department of social services, for investigation of suspected child abuse, neglect, or maltreatment, including confirmation that investigations were conducted, the results of the investigations, a description of the conduct of the most recent investigation and the services rendered, and a statement of basis for the department's decision.

...

(f) Access to criminal investigative reports and criminal intelligence information of public law enforcement agencies and confidential information in the possession of the State Child Fatality Prevention Team, and the local teams, ~~and the Child Fatality Task Force~~, teams shall be governed by G.S. 132-1.4 and G.S. 7B-1413 respectively. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

SECTION 1.14.(g) This section becomes effective June 30, 2013.

NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL

SECTION 1.15.(a) G.S. 143B-432(c)(1), G.S. 143B-433(2)b., and Part 2A of Article 10 of Chapter 143B of the General Statutes, G.S. 143B-437.1 through G.S. 143B-437.3, are repealed.

CONTINUING EDUCATION ADVISORY COMMITTEE

SECTION 1.16. G.S. 58-33-135 is repealed.

NORTH CAROLINA BOARD OF CORRECTION

SECTION 1.17.(a) Subpart B of Article 13 of Chapter 143B of the General Statutes, G.S. 143B-715, is repealed.

SECTION 1.17.(b) G.S. 143B-711 reads as rewritten:

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

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

The Division shall establish a Substance Abuse Program. All substance abuse programs established or in existence shall be administered by the Division of Adult Correction of the Department of Public Safety under the Substance Abuse Program."

NORTH CAROLINA COURTS COMMISSION

1 **SECTION 1.18.(a)** Article 40A of Chapter 7A of the General Statutes,
2 G.S. 7A-506 through G.S. 7A-510, is repealed.

3 **SECTION 1.18.(b)** G.S. 15A-266.5 reads as rewritten:
4 **"§ 15A-266.5. Tests to be performed on DNA sample.**

5 ...
6 (d) The Department of Justice, in consultation with the Administrative Office of the
7 Courts and the Conference of District Attorneys, shall study, develop, and recommend an
8 automated procedure to facilitate the process of expunging DNA samples and records taken
9 pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on
10 Governmental Operations, and the Joint Legislative Oversight Committee on Justice and Public
11 Safety, and the Courts Commission, on or before February 1, 2011."

12
13 **GOVERNOR'S CRIME COMMISSION**

14 **SECTION 1.19.(a)** Subpart A of Part 6 of Article 13 of Chapter 143B of the
15 General Statutes, G.S. 143B-1100 through G.S. 143B-1103, and G.S. 143A-244 are repealed.

16 **SECTION 1.19.(b)** G.S. 143B-600 reads as rewritten:
17 **"§ 143B-600. Organization.**

18 (a) There is established the Department of Public Safety. The head of the Department of
19 Public Safety is the Secretary of Public Safety, who shall be known as the Secretary. The
20 Department shall consist of six divisions and an Office of External Affairs as follows:

21 ...
22 (6) The Division of Administration, the head of which shall be a deputy
23 secretary responsible for all administrative functions, including fiscal,
24 auditing, information technology, purchasing, human resources, training,
25 engineering, and facility management functions for the Department. Within
26 the Division, there is established a Grants Management Section, which shall
27 consist of ~~the Governor's Crime Commission,~~ the Criminal Justice
28 Partnership ~~Program,~~ Program and the Juvenile Crime Prevention Council
29 Fund.

30 "

31 **SECTION 1.19.(c)** G.S. 143B-602 reads as rewritten:
32 **"§ 143B-602. Powers and duties of the Secretary of Public Safety.**

33 The Secretary of Public Safety shall have the powers and duties as are conferred on the
34 Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the
35 Secretary by the Constitution and laws of this State. These powers and duties include the
36 following:

37 ...
38 (7) Reporting required prior to grant awards. – Prior to any notification of
39 proposed grant awards to State agencies for use in pursuing the objectives of
40 ~~the Governor's Crime Commission pursuant to~~ sub-subdivisions a. through
41 g. of subdivision (8) of this section, the Secretary shall report to the Senate
42 and House of Representatives Appropriations Committees for review of the
43 proposed grant awards.

44 "

45 **SECTION 1.19.(d)** G.S. 15A-1336 reads as rewritten:
46 **"§ 15A-1336. Compliance with criminal case firearm notification requirements of the**
47 **federal Violence Against Women Act.**

48 The Administrative Office of the Courts, in cooperation with the North Carolina Coalition
49 Against Domestic Violence ~~and the North Carolina Governor's Crime Commission,~~ Violence,
50 shall develop a form to comply with the criminal case firearm notification requirements of the
51 Violence Against Women Act of 2005."

1 **SECTION 1.19.(e)** The prefatory language in G.S. 164-42.1(a) reads as rewritten:

2 **"§ 164-42.1. Policy recommendations.**

3 (a) Using the studies of the Special Committee on Prisons, ~~the Governor's Crime~~
4 ~~Commission, Prisons~~ and other analyses, including testimony from representatives of the bodies
5 that conducted the analyses, the Commission shall:"

6
7 **COMMITTEE ON DROPOUT PREVENTION**

8 **SECTION 1.20.** Article 6B of Chapter 115C of the General Statutes,
9 G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.

10
11 **DROUGHT MANAGEMENT ADVISORY COUNCIL**

12 **SECTION 1.21.(a)** G.S. 143-355.1 is repealed.

13 **SECTION 1.21.(b)** G.S. 143-355.2 reads as rewritten:

14 **"§ 143-355.2. Water conservation measures for drought.**

15 ...

16 (e) For purposes of this section, the drought designation for an area shall be the U.S.
17 Drought Monitor designation for the county in which the water source is ~~located as published~~
18 ~~by the Drought Management Advisory Council.~~ located. The Secretary may approve a county
19 drought designation that is different from the U.S. Drought Monitor designation pursuant to
20 ~~G.S. 143-355.1(f).~~ Monitor. If the water source is located in more than one county and the
21 counties have different drought designations, the ~~Council shall recommend to the Secretary~~
22 may apply the drought designation to be applied to water systems that withdraw water from the
23 water source. ~~The recommendation of the Council shall be based on the drought indicators~~
24 ~~identified in G.S. 143-355.1(f) as applied to the water source.~~

25 "

26
27 **EDENTON HISTORICAL COMMISSION**

28 **SECTION 1.22.(a)** Part 19 of Article 2 of Chapter 143B of the General Statutes,
29 G.S. 143B-95 through G.S. 143B-98, is repealed.

30 **SECTION 1.22.(b)** G.S. 143B-51(b)(24) is repealed.

31
32 **SECRETARY OF STATE'S ADVISORY COUNCIL ON ELECTRONIC NOTARY**
33 **STANDARDS**

34 **SECTION 1.23.** The Secretary of State shall abolish the Advisory Council on
35 Electronic Notary Standards no later than 30 days after the effective date of this act.

36
37 **ELECTRONIC RECORDING COUNCIL**

38 **SECTION 1.24.** G.S. 47-16.5 reads as rewritten:

39 **"§ 47-16.5. Administration and standards.**

40 (a) Standard-Setting Agency. – The Secretary of State shall adopt standards to
41 implement this ~~Article upon recommendation of the Electronic Recording Council. The~~
42 ~~Secretary of State may direct the Council to revise any portion of the recommended standards~~
43 ~~the Secretary deems inadequate or inappropriate.~~ Article. Technological standards and
44 specifications adopted by the Secretary of State to implement this Article are engineering
45 standards for the purposes of G.S. 150B-2(8a)h.

46 (b) ~~Electronic Recording Council Created. The Electronic Recording Council is~~
47 ~~created in the Department of the Secretary of State to advise and assist the Secretary of State in~~
48 ~~the adoption of standards to implement this Article. The Council shall review the functions~~
49 ~~listed in G.S. 47-16.4 and shall formulate and recommend to the Secretary standards for~~
50 ~~recording electronic documents and implementing the other functions listed in G.S. 47-16.4.~~
51 ~~The Council shall report its findings and recommendations to the Secretary of State at least~~

1 once each calendar year. The Council shall advise the Secretary of State on a continuing basis
2 of the need to adopt, amend, revise, or repeal standards. The Council may advise the Secretary
3 of State on any other matter the Secretary refers to the Council.

4 ~~(e) Council Membership, Terms, and Vacancies. The Council shall consist of 13~~
5 ~~members as follows:~~

6 ~~(1) Seven members appointed by the North Carolina Association of Registers of~~
7 ~~Deeds. It is the intent of the General Assembly that the North Carolina~~
8 ~~Association of Registers of Deeds shall appoint as members a representative~~
9 ~~selection of registers of deeds from large, medium, and small counties, urban~~
10 ~~and rural counties, and the different geographic areas of this State.~~

11 ~~(2) One member appointed by the North Carolina Bar Association.~~

12 ~~(3) One member appointed by the North Carolina Society of Land Surveyors.~~

13 ~~(4) One member appointed by the North Carolina Bankers Association.~~

14 ~~(5) One member appointed by the North Carolina Land Title Association.~~

15 ~~(6) One member appointed by the North Carolina Association of Assessing~~
16 ~~Officers.~~

17 ~~(7) The Secretary of Cultural Resources or the Secretary's designee.~~

18 ~~In making appointments to the Council, each appointing authority shall select appointees~~
19 ~~with the ability and commitment to fulfill the purposes of the Council.~~

20 ~~Appointed members shall serve four year terms, except that the initial appointments by the~~
21 ~~North Carolina Bar Association, the North Carolina Bankers Association, the North Carolina~~
22 ~~Association of Assessing Officers, and three of the initial appointments by the North Carolina~~
23 ~~Association of Registers of Deeds shall be for two years. All initial terms shall commence on~~
24 ~~the effective date of this Article. Members shall serve until their successors are appointed. An~~
25 ~~appointing authority may reappoint a member for successive terms. A vacancy on the Council~~
26 ~~shall be filled in the same manner in which the original appointment was made, and the term~~
27 ~~shall be for the balance of the unexpired term.~~

28 ~~(d) Council Meetings and Officers. The Secretary of State shall call the first meeting~~
29 ~~of the Council. At the first meeting and biennially thereafter, the Council shall elect from its~~
30 ~~membership a chair and a vice chair to serve two year terms. Meetings may be called by the~~
31 ~~chair, the vice chair, or the Secretary of State. Meetings shall be held as often as necessary, but~~
32 ~~at least once a year.~~

33 ~~(e) Council Compensation. None of the members of the Council shall receive~~
34 ~~compensation for serving on the Council, but Council members shall receive per diem,~~
35 ~~subsistence, and travel expenses in accordance with G.S. 138-5 and G.S. 138-6, as applicable.~~

36 ~~(f) Staff and Other Assistance. As soon as practicable and as needed thereafter, the~~
37 ~~Council shall identify the information technology expertise it needs and report its needs to the~~
38 ~~Secretary of State. The Council shall also report any other expertise needed to fulfill its~~
39 ~~responsibilities. The Secretary of State shall provide professional and clerical staff and other~~
40 ~~services and supplies, including meeting space, as needed for the Council to carry out its duties~~
41 ~~in an effective manner. The Secretary of State may appoint additional committees to advise and~~
42 ~~assist the Council in its work.~~

43 ~~The Council shall consult with the North Carolina Local Government Information Systems~~
44 ~~Association, and may consult with any other person the Council deems appropriate, to advise~~
45 ~~and assist the Council in its work.~~

46 ~~(g) Uniformity of Standards. – To keep the standards and practices of registers of deeds~~
47 ~~in this State in harmony with the standards and practices of recording offices in other~~
48 ~~jurisdictions that enact substantially this Article and to keep the technology used by registers of~~
49 ~~deeds in this State compatible with technology used by recording offices in other jurisdictions~~
50 ~~that enact substantially this Article, the Secretary of State and the Council shall consider all of~~

the following in carrying out their responsibilities under this Article, so far as is consistent with its purposes, policies, and provisions:

- (1) Standards and practices of other jurisdictions.
- (2) The most recent standards adopted by national standard-setting bodies, such as the Property Records Industry Association.
- (3) The views of interested persons and other governmental officials and entities.
- (4) The needs of counties of varying size, population, and resources.
- (5) Standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering."

EMPLOYMENT SECURITY ADVISORY COUNCILS

SECTION 1.25. G.S. 96-4 reads as rewritten:

"§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.

...

(g) ~~Advisory Councils. The State Advisory Council shall be composed of the Assistant Secretary and 15 persons representing employers, employees, and the general public, to be appointed as follows:~~

- ~~(1) Five members appointed by the Governor.~~
- ~~(2) Five members appointed by the President Pro Tempore of the Senate.~~
- ~~(3) Five members appointed by the Speaker of the House of Representatives.~~

~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair. A quorum of the State Advisory Council shall consist of the chairman, or such appointed member as he may designate, plus one half of the total appointed members. The function of the Council shall be to aid the Division in formulating policies and discussing problems related to the administration of this Chapter. Each member of the State Advisory Council attending meetings of the Council shall be paid the same amount per diem for his or her services as is provided for the members of other State boards, commissions, and committees who receive compensation for their services, including necessary time spent in traveling to and from his place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office, and his actual mileage and subsistence at the same rate allowed to State officials.~~

(h) Employment Stabilization. – The Secretary of Commerce, in consultation with the Assistant Secretary and with the advice and aid of the advisory councils, Secretary, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

...."

NORTH CAROLINA FARMWORKER COUNCIL

SECTION 1.26. Part 26 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.25 and G.S. 143B-426.26, is repealed.

JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE

SECTION 1.27. Part 32 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.60, is repealed.

NORTH CAROLINA HOUSING PARTNERSHIP

SECTION 1.28.(a) G.S. 122E-2 reads as rewritten:

"§ 122E-2. Definitions.

As used in this Chapter:

...

(2) ~~The term "Partnership" means the North Carolina Housing Partnership.~~

...."

SECTION 1.28.(b) G.S. 122E-4 is repealed.

SECTION 1.28.(c) G.S. 122E-5 reads as rewritten:

"§ 122E-5. Administration.

(a) The North Carolina Housing Finance Agency shall administer the Fund in accordance with the policies, rules and regulations promulgated by the Partnership Agency.

(b) The Agency's responsibilities shall include:

(1) The Management of the overall program for the use of the fund;

(2) Development of program ~~design in accordance with policies established by the Partnership;~~ design;

(3) Development and management of a selection ~~system in accordance with policies established by the Partnership;~~ system;

(4) Provision of technical assistance to prospective applicants; and

(5) Monitoring of projects to ensure compliance with applicable State and federal laws and regulations and relevant court decisions.

(6) The Agency shall promulgate rules and regulations governing the administration of the Fund and its overall program for use of the ~~Fund in accordance with the policies, rules and regulations promulgated by the Partnership Fund.~~

...."

SECTION 1.28.(d) G.S. 122E-6 reads as rewritten:

"§ 122E-6. Uses of funds.

Funds from the Fund shall be used to increase the supply of decent, affordable and energy-efficient housing for low, very low, and moderate income residents of the State as defined in G.S. 122E-2. Such funds shall be used to finance, in whole or in part, projects and activities eligible under this section. The Agency shall make available loans, grants, interest reduction payments, or other comparable forms of assistance to eligible applicants. Provided, however, that with regard to those funds of the Fund which are Stripper Well Litigation Funds or Diamond Shamrock Funds, grants shall be from both the principal and income generated by the principal of such Funds so that all such Funds will be expended within a reasonable period of time. Provided, further, that with regard to that portion of the Fund which is derived from the appropriation of State funds, the amount of grants to be made in any fiscal year shall be limited to the amount of income generated by the principal of that portion of the Fund.

(a) Beneficiaries.

(1) ~~The Partnership Agency~~ shall ensure that the Agency's program for uses of monies from the Fund directly benefit low, very low and moderate income persons and families as set forth in subsections (2), (3), and (4) below.

(2) ~~The Partnership Agency~~ shall ensure that at least thirty percent (30%) of the total funds from the Fund eligible for expenditure by the Agency in any fiscal year directly benefit persons and families whose incomes do not exceed thirty percent (30%) of the median family income for the local area,

- 1 with adjustments for family size, according to the latest figures available
2 from the U.S. Department of Housing and Urban Development.
- 3 (3) The ~~Partnership Agency~~ shall be authorized to allocate up to thirty percent
4 (30%) of the total funds from the Fund for the benefit of persons and
5 families whose incomes do not exceed fifty percent (50%) of the median
6 family income for the local area, with adjustments for family size, according
7 to the latest figures available from the U.S. Department of Housing and
8 Urban Development; provided, however, these funds may also be directed
9 for the benefit of the persons and families defined in subsection (2).
- 10 (4) The ~~Partnership Agency~~ shall ensure that no more than forty percent (40%)
11 of the total funds from the fund eligible for expenditure by the Agency in
12 any fiscal year directly benefit persons and families whose incomes do not
13 exceed eighty percent (80%) of the median family income for the local area,
14 with adjustments for family size, according to the latest figures available
15 from the U.S. Department of Housing and Urban Development.
- 16 (b) Eligible Projects.
- 17 ...
- 18 (2) Projects which provide for the construction or rehabilitation of rental
19 projects must contain contractual guarantees to ensure that at least twenty
20 percent (20%) of the units are occupied by persons and families defined in
21 G.S. 122E-6(a) (2) and (3) for a period of time following the award of grants
22 or loan funds from the Fund, said period to be not less than 10 years, and
23 shall be established by the rules and regulations promulgated by the
24 Partnership and are affordable housing units as defined in ~~G.S. 122E-2(9)~~.
25 G.S. 122E-2(6).
- 26 ...
- 27 (d) Eligible Uses for Stripper Well Litigation Funds and Diamond Shamrock Litigation
28 Funds.
- 29 ...
- 30 (2) Eligible uses for the Diamond Shamrock Litigation funds shall be those uses
31 permitted under Exhibit B to the Order of the Court, dated June 6, 1986,
32 including but ~~no~~ not limited to those residential energy-related uses which
33 are identified in Attachment C to Exhibit B to said Order."
- 34 **SECTION 1.28.(e)** G.S. 122E-7 reads as rewritten:
- 35 **"§ 122E-7. Eligible applicants.**
36 Eligible applicants shall include units of State and local governments including municipal
37 corporations, for profit and nonprofit housing developers. Provided, however, that the
38 ~~Partnership's Agency's~~ rules and regulations shall ensure an equitable distribution of Fund
39 funds based upon population and low and moderate income housing needs across the State."
- 40 **SECTION 1.28.(f)** G.S. 122E-8 read as rewritten:
- 41 **"§ 122E-8. Allocation of funds.**
42 (a) Monies within the Fund shall be allocated to eligible applicants under this Chapter
43 by the Agency, in accordance with funding cycles established at least annually. The ~~Partnership~~
44 Agency shall establish rules and regulations with full public input, including at least one public
45 hearing for which adequate notice is provided in a timely manner. These rules and regulations
46 shall establish general policies governing the eligibility of applicants, application procedures,
47 project eligibility requirements, and the criteria and standards for awarding grants and loans.
48 Such rules and regulations shall be adopted within 270 days from the effective date of this
49 Chapter.
50"
- 51 **SECTION 1.28.(g)** G.S. 122A-5 reads as rewritten:

"§ 122A-5. General powers.

The Agency shall have all of the powers necessary or convenient to carry out the provisions of this Chapter, including the power:

(24a) To promote the development of a coordinated State low-income housing plan;

(24b) To obtain necessary information from other State agencies concerning housing;

...."

SECTION 1.28.(h) G.S. 120-123(34b) is repealed.

COMMITTEE ON INAUGURAL CEREMONIES

SECTION 1.29. Article 58 of Chapter 143 of the General Statutes, G.S. 143-532 through G.S. 143-539, is repealed.

INTERAGENCY COORDINATING COUNCIL OF CHILDREN FROM BIRTH TO FIVE WITH DISABILITIES AND THEIR FAMILIES

SECTION 1.30.(a) Part 13A of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-179.5 and G.S. 143B-179.6, is repealed.

SECTION 1.30.(b) G.S. 143B-139.6A reads as rewritten:

"§ 143B-139.6A. Secretary's responsibilities regarding availability of early intervention services.

The Secretary of the Department of Health and Human Services shall ensure, in cooperation with other appropriate agencies, that all types of early intervention services specified in the "Individuals with Disabilities Education Act" (IDEA), P.L. 102-119, the federal early intervention legislation, are available to all eligible infants and toddlers and their families to the extent funded by the General Assembly.

The Secretary shall coordinate and facilitate the development and administration of the early intervention system for eligible infants and toddlers and shall assign among the cooperating agencies the responsibility, including financial responsibility, for services. ~~The Secretary shall be advised by the Interagency Coordinating Council for Children from Birth to Five with Disabilities and Their Families, established by G.S. 143B-179.5, and may enter into formal interagency agreements to establish the collaborative relationships with the Department of Public Instruction, other appropriate agencies, and other public and private service providers necessary to administer the system and deliver the services.~~

The Secretary shall adopt rules to implement the early intervention system, in consultation with all other appropriate agencies."

GOVERNOR'S MANAGEMENT COUNCIL

SECTION 1.31. Part 24 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.22, is repealed.

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 1.32.(a) Article 25A of Chapter 120 of the General Statutes, G.S. 120-226, is repealed.

SECTION 1.32.(b) G.S. 90-113.64 reads as rewritten:

"§ 90-113.64. SBI annual report.

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the ~~Legislative Commission on Methamphetamine Abuse~~Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2012, for the 2011 calendar

1 year and each March 1 thereafter for the preceding calendar year. The State Bureau of
2 Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program,
3 assist in coordinating the drug control efforts between local and State law enforcement
4 agencies, and monitor the implementation and effectiveness of the electronic record-keeping
5 requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its
6 findings in the report to the Commission required by this section."

7 **SECTION 1.32.(c)** G.S. 114-19.01 reads as rewritten:

8 **"§ 114-19.01. Study and report on use of pseudoephedrine products to make**
9 **methamphetamine.**

10 The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine
11 products to make methamphetamine, including any data on the use of particular
12 pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed,
13 and other relevant information, and report annually to the Commission for Mental Health,
14 Developmental Disabilities, and Substance Abuse Services, ~~the Legislative Commission on~~
15 ~~Methamphetamine Abuse, and the Joint Governmental Operations Subcommittee on Joint~~
16 Legislative Oversight Committee on Justice and Public Safety."

17 18 **MINE SAFETY AND HEALTH ADVISORY COUNCIL**

19 **SECTION 1.33.** G.S. 74-24.2(2) and G.S. 74-24.6 are repealed.
20

21 **MOTOR VEHICLE DEALER'S ADVISORY BOARD**

22 **SECTION 1.34.(a)** G.S. 20-305.4 is repealed.

23 **SECTION 1.34.(b)** G.S. 20-305.5 reads as rewritten:

24 **"§ 20-305.5. Sections 20-305, subdivisions (4) through (28), and 20-305.1 to**
25 **~~20-305.420-305.3~~ not applicable to certain manufacturers and dealers.**

26 The provisions of G.S. 20-305(4) through G.S. 20-305(28) and 20-305.1 to
27 ~~20-305.420-305.3~~ shall not apply to manufacturers of, or dealers in, mobile or manufactured
28 type housing or recreational trailers."
29

30 **MOUNTAIN AREA RESOURCES TECHNICAL ADVISORY COUNCIL**

31 **SECTION 1.35.** G.S. 153B-4 is repealed.
32

33 **MOUNTAIN RESOURCES COMMISSION**

34 **SECTION 1.36.** G.S. 153B-1 through G.S. 153B-3 are repealed.
35

36 **BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE** 37 **NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS**

38 **SECTION 1.37.(a)** G.S. 143B-426.8 reads as rewritten:

39 **"§ 143B-426.8. Definitions.**

40 As used in this Part, except where the context clearly requires otherwise:

41 ...

42 (2) ~~"Board" means the Board of Public Telecommunications Commissioners.~~

43"

44 **SECTION 1.37.(b)** G.S. 143B-426.9 reads as rewritten:

45 **"§ 143B-426.9. North Carolina Agency for Public Telecommunications—Creation;**
46 **~~membership; appointments, terms and vacancies; officers; meetings and~~**
47 **~~quorum; compensation. Telecommunications.~~**

48 The North Carolina Agency for Public Telecommunications is created. ~~It is governed by the~~
49 ~~Board of Public Telecommunications Commissioners, composed of 26 members as follows:~~

50 (1) ~~A Chairman appointed by, and serving at the pleasure of, the Governor;~~

51 (2) ~~Ten at-large members, appointed by the Governor from the general public;~~

- ~~(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;~~
- ~~(4) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;~~
- ~~(5) The Secretary of Administration, ex officio;~~
- ~~(6) The Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;~~
- ~~(7) The Chairman of the State Board of Education, ex officio;~~
- ~~(8) The Chairman of the OPEN/net Committee, ex officio, so long as such person is not a State employee;~~
- ~~(9) The Chairman of the North Carolina Utilities Commission, ex officio;~~
- ~~(10) The Director of the Public Staff of the North Carolina Utilities Commission, ex officio;~~
- ~~(11) Repealed by Session Laws 2011-266, s. 1.13(b), effective July 1, 2011.~~
- ~~(12) The Superintendent of Public Instruction, ex officio;~~
- ~~(13) The President of the University of North Carolina, ex officio;~~
- ~~(14) The President of the Community Colleges System, ex officio; and~~
- ~~(15) Two members ex officio who shall rotate from among the remaining heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by the Governor.~~

~~The 10 at large members shall serve for terms staggered as follows: four terms shall expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and until their successors are appointed and qualified. In making appointments of members at large, the Governor shall seek to appoint persons from the various geographic areas of the State including both urban and rural areas; persons from various classifications as to sex, race, age, and handicapped persons; and persons who are representatives of the public broadcast, commercial broadcast, nonbroadcast distributive systems and private education communities of the State.~~

~~The terms of the ex officio members are coterminous with their respective terms of office. In the event that any of the offices represented on the Board ceases to exist, the successor officer to the designated member shall become an ex officio member of the Board; if there shall be no successor, then the position on the Board shall be filled by a member to be appointed by the Governor from the general public. The ex officio members shall have the right to vote.~~

~~The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years.~~

~~The terms of the rotating ex officio members shall be of one-year duration, and the schedule of rotation is determined by the Governor.~~

~~Each State official who serves on the Board may designate a representative of his department, agency or institution to sit in his place on the Board and to exercise fully the official's privileges of membership.~~

~~The Secretary of Administration or his designee serves as secretary of the Board.~~

~~Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the original appointment.~~

~~The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.~~

1 ~~The Board meets quarterly and at other times at the call of the chairman or upon written~~
2 ~~request of at least six members.~~

3 ~~A majority of the Board members shall constitute a quorum for the transaction of business."~~

4 **SECTION 1.37.(c) G.S. 143B-426.11 reads as rewritten:**

5 **"§ 143B-426.11. Powers of Agency.**

6 In order to enable it to carry out the purposes of this Part, the Agency:

7 ...
8 (3) May rent, lease, buy, own, acquire, mortgage, or otherwise encumber and
9 dispose of such property, real or personal; and construct, maintain, equip and
10 operate any facilities, buildings, studios, equipment, materials, supplies and
11 systems as ~~said Board~~ may deem proper to carry out the purposes and
12 provisions of this Part;

13 (4) May establish an office for the transaction of its business at such place or
14 places ~~as the Board deems advisable or necessary~~ in carrying out the
15 purposes of this Part;

16 ...
17 (7) Under such conditions ~~as the Board may deem~~ appropriate to the
18 accomplishment of the purposes of this Part, may distribute in the form of
19 grants, gifts, or loans any of the revenues and earnings received by the
20 Agency from its operations;

21 (8) May adopt, alter or repeal its own bylaws, rules and regulations governing
22 the manner in which its business may be transacted and in which the power
23 granted to it may be exercised, and may provide for the creation of such
24 divisions and for the appointment of such committees, and the functions
25 thereof, ~~as the Board deems necessary or expedient~~ in facilitating the
26 business and purposes of the Agency;

27 (9) ~~The Board shall be responsible for all management functions of the Agency.~~
28 ~~The chairman shall serve as the chief executive officer, and shall have the~~
29 ~~responsibility of executing the policies of the Board. The Executive Director~~
30 ~~shall be the chief operating and administrative officer and shall be~~
31 ~~responsible for carrying out the decisions made by the Board and its~~
32 ~~chairman. The Executive Director shall be appointed by the Governor upon~~
33 ~~the recommendation of the Board and shall serve at the pleasure of the~~
34 ~~Governor. The salary of the Executive Director shall be fixed by the General~~
35 ~~Assembly in the Current Operations Appropriations Act. Subject to the~~
36 ~~provisions of the State Personnel Act and with the approval of the Board, the~~
37 ~~Executive Director may appoint, employ, dismiss and fix the compensation~~
38 ~~of such professional, administrative, clerical and other employees as the~~
39 ~~Board deems necessary to carry out the purposes of this Part; but any~~
40 ~~employee who serves as the director of any division of the Agency which~~
41 ~~may be established by the Board shall be appointed with the additional~~
42 ~~approval of the Secretary of Administration. There shall be an executive~~
43 ~~committee consisting of three of the appointed members and three of the ex~~
44 ~~officio members elected by the Board and the chairman of the Board, who~~
45 ~~shall serve as chairman of the executive committee. The executive~~
46 ~~committee may do all acts which are authorized by the bylaws of the~~
47 ~~Agency. Members of the executive committee shall serve until their~~
48 ~~successors are elected;~~

49 "

50 **SECTION 1.37.(d) G.S. 120-123(4) is repealed.**

**BOARD OF DIRECTORS CERTIFICATION ENTITY FOR PHASE II SETTLEMENT
FUND CERTIFICATION BOARD**

SECTION 1.38. Board of Directors Certification Entity for Phase II Settlement Fund Certification Board, established pursuant to S.L. 1999-333, is abolished.

NORTH CAROLINA SMALL BUSINESS CONTRACTOR AUTHORITY

SECTION 1.39.(a) G.S. 143B-472.102 is repealed.

SECTION 1.39.(b) G.S. 143B-472.101 reads as rewritten:

"§ 143B-472.101. Definitions.

The following definitions apply in this Part:

(1) ~~Authority. — The North Carolina Small Business Contractor Authority created in this Part.~~

...

(3a) Department. — The Department of Commerce.

...."

SECTION 1.39.(c) G.S. 143B-472.103 reads as rewritten:

"§ 143B-472.103. Eligibility.

To qualify for assistance under this Part, an applicant must meet all of the following requirements:

...

(4) The applicant must demonstrate to the satisfaction of the ~~Authority~~Department that it has been unable to obtain adequate financing or bonding on reasonable terms through an authorized company. If the applicant is applying for a guarantee of a loan, the applicant must have applied for and been denied a loan by a financial institution."

SECTION 1.39.(d) G.S. 143B-472.104 reads as written:

"§ 143B-472.104. Small Business Contract Financing Fund.

(a) Creation and Use. — The Small Business Contract Financing Fund is created as a special revenue fund. Revenue in the Fund does not revert at the end of a fiscal year, and interest and other investment income earned by the Fund accrues to the Fund. The ~~Authority~~Department shall use the Fund to make direct loans and guaranty payments required by defaults and to pay the portion of the administrative expenses of the ~~Authority~~Department related to making these loans and payments.

(b) Content. — The Small Business Contract Financing Fund consists of all of the following revenue:

(1) Funds appropriated to the Fund by the State.

(2) Repayments of principal of and interest on direct loans.

(3) Premiums, fees, and any other amounts received by the ~~Authority~~Department with respect to financial assistance provided by the ~~Authority~~Department.

(4) Proceeds designated by the ~~Authority~~Department from the sale, lease, or other disposition of property or contracts held or acquired by the ~~Authority~~Department.

(5) Investment income of the Fund.

(6) Any other moneys made available to the Fund."

SECTION 1.39.(e) G.S. 143B-472.105 reads as rewritten:

"§ 143B-472.105. Contract performance assistance authorized.

(a) Type. — The ~~Authority~~Department is authorized to provide the following contract performance assistance:

(1) A guarantee of a loan made to the applicant.

- 1 (2) If the applicant demonstrates to the satisfaction of the AuthorityDepartment
2 that it is unable to obtain money from any other source, a loan to the
3 applicant.
- 4 (b) Qualification. – The AuthorityDepartment shall not lend money to an applicant or
5 guarantee a loan unless all of the following requirements are met:
- 6 (1) The applicant meets the requirements of G.S. 143B-472.78.
7 (2) The loan is to be used to perform an identified contract, of which the
8 majority of funding is provided by a government agency or a combination of
9 government agencies.
10 (3) The loan is to be used for working capital or equipment needed to perform
11 the contract, the cost of which can be repaid from contract proceeds, if the
12 AuthorityDepartment has entered into an agreement with the applicant
13 necessary to secure the loan or guaranty.
- 14 (c) Terms and Conditions. – The AuthorityDepartment shall set the terms and
15 conditions for loans and for the guarantee of loans. When the AuthorityDepartment lends
16 money from the Small Business Contract Financing Fund, it shall prepare loan documents that
17 include all of the following:
- 18 (1) The rate of interest on the loan, which shall not exceed any applicable
19 statutory limit for a loan of the same type.
20 (2) A payment schedule that provides money to the applicant in the amounts and
21 at the times that the applicant needs the money to perform the contract for
22 which the loan is made.
23 (3) A requirement that, before each advance of money is released to the
24 applicant, the applicant and the AuthorityDepartment must cosign the
25 request for the money.
26 (4) Provisions for repayment of the loan.
27 (5) Any other provision the AuthorityDepartment considers necessary to secure
28 the loan, including an assignment of, or a lien on, payment under the
29 contract, if allowable.
- 30 (d) Maturity. – A loan made by the AuthorityDepartment shall mature not later than the
31 date the applicant is to receive full payment under the identified contract, unless the
32 AuthorityDepartment determines that a later maturity date is required to fulfill the purposes of
33 this Part.
- 34 (e) Diversity. – In selecting applicants for assistance, the AuthorityDepartment must
35 consider the need to serve all geographic and political areas and subdivisions of the State.
- 36 (f) Limitation. – The total amount of loan guarantees and loans issued to each recipient
37 during a fiscal year shall not exceed fifteen percent (15%) of the amount of money in the Fund
38 as of the beginning of that fiscal year."

40 NORTH CAROLINA SUSTAINABLE COMMUNITIES TASK FORCE

41 SECTION 1.40.(a) Part 31 of Article 7 of Chapter 143 of the General Statutes,
42 G.S. 143B-344.34 through G.S. 143-344.38, is repealed.

43 SECTION 1.40.(b) G.S. 120-123(79) is repealed.

45 NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL

46 SECTION 1.41. Article 70 of Chapter 106 of the General Statutes, G.S. 106-830
47 through G.S. 106-833, is repealed.

49 JOINT LEGISLATIVE COMMISSION ON THE DEPARTMENT OF 50 TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND 51 WOMEN-OWNED BUSINESSES PROGRAM

SECTION 1.42. Article 32 of Chapter 120 of the General Statutes, G.S. 120-275 through G.S. 120-279, is repealed.

NORTH CAROLINA TRAVEL AND TOURISM BOARD

SECTION 1.43. G.S. 143B-434(a)(4) and G.S. 143B-434.1 are repealed.

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

SECTION 1.44. For the following State boards, committees, and commissions where statutory requirements have been met, these bodies are no longer authorized to meet, provide recommendations, or operate in any capacity:

- (1) Legislative Task Force on Childhood Obesity, established pursuant to Part XLIX of S.L. 2009-574, as amended by Section 26 of S.L. 2010-152.
- (2) Commission to Study the Governance and Adequacy of the Investment Authority of Various State-Owned Funds for the Purposes of Enhancing the Return on Investments, established pursuant to Part XLVII of S.L. 2009-574, as amended by Section 23 of S.L. 2010-152.
- (3) "More at Four" Pre-K Task Force, established pursuant to Section 10.40(b) of S.L. 2003-284, as amended by Section 10.38 of S.L. 2004-124.
- (4) National Heritage Area Designation Commission, established pursuant to Part 18 of S.L. 2001-491.
- (5) Pilot Accreditation Advisory Board, established pursuant to Section 10.28B of S.L. 2004-124.
- (6) Public Funding Council of State Elections Commission, established pursuant to Section 26 of S.L. 2010-169.
- (7) Legislative Commission on Global Climate Change, established pursuant to Section 11 of S.L. 2005-442, as amended by S.L. 2006-73, S.L. 2008-81, and S.L. 2009-306.

SECTION 1.45. Except as otherwise provided, this Part becomes effective June 30, 2012.

PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS

SUBPART A. ADVISORY BOARDS

NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING BOARD OF TRUSTEES (NCCAT)

SECTION 2.1. Effective July 1, 2012, G.S. 115C-296.6 reads as rewritten:

"§ 115C-296.6. Composition of board of trustees; terms; officers.

(a) The NCCAT Board of Trustees shall be composed of the following membership:

- (1) ~~Two ex officio members: the Chairman of the State Board of Education and the~~The State Superintendent of Public Instruction or ~~their designees;~~his or her designee shall serve ex officio;
- (2) ~~Two members~~One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate;
- (3) ~~Two members~~One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives; and
- (4) Eight members appointed by the Governor, one from each of the eight educational regions.

1 The appointing authorities shall give consideration to assuring, through Board membership,
2 the statewide mission of NCCAT.
3
4

5 NORTH CAROLINA ARTS COUNCIL

6 SECTION 2.2. Effective July 1, 2012, G.S. 143B-88 reads as rewritten:

7 "§ 143B-88. North Carolina Arts Council – members; selection; quorum; compensation.

8 The North Carolina Arts Council shall consist of ~~24~~12 members appointed by the
9 Governor. The initial members of the Council shall ~~be the appointed members of the present~~
10 ~~Arts Council who shall serve for a period equal to the remainder of their current terms on the~~
11 ~~Arts Council, eight of whose~~consist of four whose terms expire June 30, 1973, eight June 30,
12 2014, four of whose terms expire June 30, 1974, June 30, 2015, and eight four of whose terms
13 expire June 30, 1975, June 30, 2016. At the end of the respective terms of office of the initial
14 members, the appointments of their successors shall be for terms of three years and until their
15 successors are appointed and qualify. Any appointment to fill a vacancy on the Council created
16 by the resignation, dismissal, death, or disability of a member shall be for the balance of the
17 unexpired term.

18 The Governor shall have the power to remove any member of the Council from office in
19 accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

20 The ~~Governor Council~~ shall designate a member of the Council as ~~chairman to serve at his~~
21 ~~pleasure chair.~~

22 Members of the Council shall receive per diem and necessary travel and subsistence
23 expenses in accordance with the provisions of G.S. 138-5.

24 A majority of the Council shall constitute a quorum for the transaction of business.

25 All clerical and other services required by the Council shall be supplied by the Secretary of
26 Cultural Resources."
27

28 COASTAL RESOURCES ADVISORY COUNCIL

29 SECTION 2.3. Effective July 1, 2012, G.S. 113A-105 reads as rewritten:

30 "§ 113A-105. Coastal Resources Advisory Council.

31 ...
32 (b) The Coastal Resources Advisory Council shall consist of not more than ~~45~~24
33 members appointed or designated as follows:

34 (1) ~~Two individuals~~Three members designated by the Secretary from among the
35 employees of the ~~Department~~Department, consisting of one each from the
36 Division of Marine Fisheries, the Division of Water Quality, and the
37 Division of Water Resources;

38 (1a) The Secretary of Commerce or person designated by the Secretary of
39 Commerce;

40 (2) ~~The Secretary of Administration or person designated by the Secretary of~~
41 ~~Administration;~~

42 (3) The Secretary of Transportation or person designated by the Secretary of
43 Transportation; ~~and one additional member selected by the Secretary of~~
44 ~~Transportation from the Department of Transportation;~~

45 (4) ~~The State Health Director or the person designated by the State Health~~
46 ~~Director;~~

47 (5) ~~The Commissioner of Agriculture or person designated by the~~
48 ~~Commissioner of Agriculture;~~

49 (6) The Secretary of Cultural Resources or person designated by the Secretary
50 of Cultural Resources;

- 1 (7) ~~One member from each of the four multi-county planning districts of the~~
2 ~~coastal area to be appointed by the lead regional agency of each district;~~
3 (8) ~~One representative~~Ten representatives chosen from each of the counties in
4 the coastal area to be ~~designated~~nominated by the respective boards of
5 county ~~commissioners; commissioners and chosen by the Commission;~~
6 (9) ~~No more than eight additional~~Six members shall be representative of cities
7 in the coastal area nominated by the cities in the coastal area and ~~to be~~
8 ~~designated~~chosen by the Commission;
9 (10) ~~Three~~Two members selected by the Commission who are marine scientists
10 or technologists;
11 (11) ~~One member who is a local health director selected by the Commission upon~~
12 ~~the recommendation of the Secretary.~~

13 ...
14 (e) ~~Chairman~~Chair and ~~Vice-Chairman~~Vice-Chair - A ~~chairman~~chair and
15 ~~vice-chairman~~vice-chair shall be elected annually by the Council.
16 "

18 NORTH CAROLINA COUNCIL FOR THE DEAF AND HARD OF HEARING

19 SECTION 2.4. Effective July 1, 2012, G.S. 143B-216.32 reads as rewritten:

20 "**§ 143B-216.32. Council for the Deaf and the Hard of Hearing – membership; quorum;**
21 **compensation.**

22 (a) The Council for the Deaf and the Hard of Hearing shall consist of ~~28 members.~~
23 ~~Twenty members shall be~~19 members appointed by the Governor. Three members appointed
24 by the Governor shall be persons who are deaf and three members shall be persons who are
25 hard of hearing. One appointment shall be an educator who trains deaf education ~~teachers~~
26 ~~and teachers, one appointment shall be a deaf education teacher, one appointment shall be a~~
27 licensed physician whose primary specialty is providing treatment to patients that are deaf or
28 hard of hearing, and one appointment shall be an audiologist licensed under Article 22 of
29 Chapter 90 of the General Statutes. Three appointments shall be parents of deaf or hard of
30 hearing children including one parent of a student in a residential school; one parent of a
31 student in a preschool program; and one parent of a student in a mainstream education program,
32 with at least one parent coming from each region of the North Carolina schools for the deaf
33 regions. One member appointed by the Governor shall be recommended by the President of the
34 North Carolina Association of the Deaf; one member shall be recommended by the President of
35 the North Carolina Deaf-Blind Associates; one member shall be recommended by the North
36 Carolina Chapter of Self Help for the Hard of Hearing (SHHH); one member shall be
37 recommended by the North Carolina Black Deaf Advocates (NCBDA); ~~one member shall be a~~
38 ~~representative from a facility that performs cochlear implants; one member shall be~~
39 recommended by the President of the North Carolina Pediatric Society; and one member shall
40 be recommended by the President of the North Carolina Registry of Interpreters for the Deaf;
41 ~~one member shall be recommended by a local education agency; and one member shall be~~
42 ~~recommended by the Superintendent of Public Instruction. Two members shall be appointed~~
43 ~~from the House of Representatives by the Speaker of the House of Representatives and two~~
44 ~~members shall be appointed from the Senate by the President Pro Tempore of the Senate. The~~
45 Secretary of Health and Human Services shall appoint four members as follows: one from the
46 Division of Vocational Rehabilitation, one from the Division of Aging, one from the Division
47 of Mental Health, Developmental Disabilities, and Substance Abuse Services, and one from the
48 Division of Social Services. Deaf.

49 (b) The terms of the initial members of the Council shall commence July 1, 1989. In his
50 initial appointments, the Governor shall designate four members who shall serve terms of five
51 years, four who shall serve terms of four years, four who shall serve terms of three years, and

1 ~~three who shall serve terms of two years. After the initial appointees' terms have expired, all~~
2 members shall be appointed for a term of four years. No member shall serve more than two
3 successive terms unless the member is an employee of the Department of Health and Human
4 Services or the Department of Public Instruction representing his or her agency as a specialist
5 in the field of service.

6 Any appointment to fill a vacancy on the Council created by the resignation, dismissal,
7 death, or disability of a member shall be for the balance of the unexpired term.

8 (c) ~~The chairman-chair~~ of the Council shall be designated by ~~the Secretary of the~~
9 ~~Department of Health and Human Services from the~~ Council members. ~~The chairman-chair~~
10 shall hold this office for not more than four years.

11"

12 13 NORTH CAROLINA COUNCIL ON DEVELOPMENTAL DISABILITIES

14 SECTION 2.5. Effective July 1, 2012, G.S. 143B-179 reads as rewritten:

15 "§ 143B-179. Council on Developmental Disabilities – members; selection; quorum;
16 compensation.

17 (a) The Council on Developmental Disabilities of the Department of Health and Human
18 Services shall consist of ~~32 members appointed by the Governor~~ 18 members. The composition
19 of the Council shall be as follows:

20 (1) ~~Eleven-Six~~ members appointed by the Governor from the ~~General Assembly~~
21 ~~and State government agencies as follows: One person who is a member of~~
22 ~~the Senate, one person who is a member of the House of Representatives,~~
23 ~~one representative of the Department of Public Instruction, one~~
24 ~~representative of the Division of Adult Correction of the Department of~~
25 ~~Public Safety, and seven representatives of the Department of Health and~~
26 ~~Human Services to include the Secretary or his designee.~~

27 (1a) One member of the Senate appointed by the President Pro Tempore of the
28 Senate and one member of the House of Representatives appointed by the
29 Speaker of the House of Representatives.

30 (2) ~~Sixteen-Nine~~ members appointed by the Governor designated as consumers
31 of service for the developmentally disabled. A consumer of services for the
32 developmentally disabled is a person who (i) has a developmental disability
33 or is the parent or guardian of such a person, or (ii) is an immediate relative
34 or guardian of a person with mentally impairing developmental disability,
35 and (iii) is not an employee of a State agency that receives funds or provides
36 services under the provisions of Part B, Title 1, P.L. 98-527, as amended, the
37 Developmental Disabilities Act of 1984, is not a managing employee (as
38 defined in Section 1126(b) of the Social Security Act) of any other entity
39 that receives funds or provides services under such Part, and is not a person
40 with an ownership or control interest (within the meaning of Section
41 1124(a)(3) of the Social Security Act) with respect to such an entity. Of
42 these 16 members, at least one third shall be persons with developmental
43 disabilities and at least another one third shall be the immediate relatives or
44 guardians of persons with mentally impairing developmental disabilities, of
45 whom at least one shall be an immediate relative or guardian of an
46 institutionalized developmentally disabled person.

47 (3) ~~Five-Three~~ members appointed by the Governor as at large as follows: One
48 ~~representative of the university-affiliated facility, one representative of the~~
49 ~~State protection and advocacy system, one representative of a local agency,~~
50 and one representative of a nongovernmental agency or nonprofit group

1 concerned with services to persons with developmental disabilities, and one
2 representative from the public at large disabilities.

3 The appointments of all members, with the exception of those from the General Assembly
4 and State agencies shall be for terms of four years and until their successors are appointed and
5 qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal,
6 death, or disability of a member shall be for the balance of the unexpired term.

7 The Governor shall make appropriate provisions for the rotation of membership on the
8 Council.

9 (b) The Governor shall have the power to remove any member of the Council from
10 office in accordance with the provisions of G.S. 143B-16.

11 The Governor shall designate one member of the Council to serve as ~~chairman~~ chair at his
12 pleasure.

13 Members of the Council shall receive per diem and necessary travel and subsistence
14 expenses in accordance with the provisions of G.S. 138-5.

15 A majority of the Council shall constitute a quorum for the transaction of business.

16 All clerical and other services required by the council shall be supplied by the Secretary of
17 Health and Human Services."

19 NORTH CAROLINA ECONOMIC DEVELOPMENT BOARD

20 SECTION 2.6. Effective July 1, 2012, G.S. 143B-434 reads as rewritten:

21 "§ 143B-434. Economic Development Board – creation, duties, membership.

22 ...

23 (b) Membership. – The Economic Development Board shall consist of ~~39~~ 21 members.
24 The Secretary of Commerce shall serve ex officio as a member and as the secretary of the
25 Economic Development Board. The Secretary of Revenue shall serve as an ex officio,
26 nonvoting member. The Secretary of the Department of ~~Cultural-Environment and Natural~~
27 Resources shall serve as an ex officio, nonvoting member. ~~Four~~ Two members of the House of
28 Representatives appointed by the Speaker of the House of Representatives, ~~four~~ two members
29 of the Senate appointed by the President Pro Tempore of the Senate, the Superintendent of
30 Public Instruction, or designee, the President of The University of North Carolina, or designee,
31 the President of the North Carolina Community College System, or designee, the Secretary of
32 State, and the President of the Senate (or the designee of the President of the Senate), shall
33 serve as members of the Board. The Governor shall appoint the remaining ~~23~~ nine members of
34 the Board. Effective with the terms beginning ~~July 1, 1997~~, August 1, 2012, one of the
35 Governor's appointees shall be a representative of a nonprofit organization involved in
36 economic development and ~~two~~ one of the Governor's appointees shall be county economic
37 development representatives. The Governor shall designate a chair and a vice-chair from
38 among the members of the Board. Appointments to the Board made by the ~~Governor for terms~~
39 ~~beginning July 1, 1997~~, Governor, and appointments to the Board made by the Speaker of the
40 House of Representatives and the President Pro Tempore of the Senate for terms beginning ~~July~~
41 ~~9, 1993~~, August 1, 2012, should reflect the ethnic and gender diversity of the State as nearly as
42 practical. All appointments shall be for a term of four years.

43 ~~The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the~~
44 ~~initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial~~
45 ~~appointments made by the Speaker of the House of Representatives and by the President Pro~~
46 ~~Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995;~~
47 ~~the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term~~
48 ~~of four years.~~

49 The appointing officer shall make a replacement appointment to serve for the unexpired
50 term in the case of a vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1.

...."

NORTH CAROLINA FINANCIAL LITERACY COUNCIL

SECTION 2.7. Effective July 1, 2012, G.S. 114-51 reads as rewritten:

"§ 114-51. Membership; terms; quorum.

(a) The Council shall consist of ~~18~~nine members appointed by and serving at the pleasure of the Governor. The Governor shall designate a chair from among the members of the Council. Membership shall be as follows:

(1) ~~Ten-Six~~ members from government agencies with responsibility for programs and services related to financial education, financial services, and related economic stability efforts. At least one representative shall come from each of the following government agencies:

- a. Community College System.
- b. ~~Department of Commerce.~~
- c. ~~Department of Justice.~~
- d. ~~Department of Labor.~~
- e. Department of Public Instruction.
- f. Department of the Secretary of State.
- g. Department of State Treasurer.
- h. Office of the Commissioner of Banks.
- i. The University of North Carolina.

(2) ~~Two-One~~ public members ~~member~~ with experience in the financial services industry.

(3) ~~Two-One~~ public members ~~member~~ who represent employers with experience in providing financial education to their employees.

(4) ~~Four-One~~ public members ~~member~~ with experience in consumer advocacy or nonprofit financial education.

(b) Members of the Council shall be appointed for terms of three years and shall serve until their successors are appointed and qualified.

(c) A majority of the Council's members shall constitute a quorum."

NORTH CAROLINA FORESTRY COUNCIL

SECTION 2.8. Effective July 1, 2012, G.S. 143A-66.2 reads as rewritten:

"§ 143A-66.2. Forestry Council – members; chairperson; selection; removal; compensation; quorum.

(a) The Forestry Advisory Council of the Department of Agriculture and Consumer Services shall consist of ~~18~~12 members appointed as follows:

(1) Three persons who are registered foresters and who represent the primary forest products industry, one each from the Mountains, Piedmont and Coastal Plain.

(2) One person who represents the secondary wood-using industry.

(3) One person who represents the logging industry.

(4) ~~Four persons who are~~One person who is a nonindustrial woodland owners owner actively involved in forest management, one of whom has agricultural interests, and at least one each from the Mountains, Piedmont, and Coastal Plain management.

(5) ~~Three persons who are members~~One person who is a member of a statewide environmental or wildlife conservation organizations-organization.

(6) One consulting forester.

(7) Two persons who are forest scientists with knowledge of the functioning and management of forest ecosystems.

~~(8) One person who represents a banking institution that manages forestland.~~

(9) One person with expertise in urban forestry.

(10) One person with active experience in city and regional planning.

(b) The Governor shall appoint one person from categories ~~(1) and (5), two persons from category (4), and the persons from categories (6), (7), (8), (9), and (10).~~(1), (6), (7), and (9). The President Pro Tempore of the Senate shall appoint ~~the one person from category (2)~~(1) and ~~one the person each~~ from categories ~~(1), (2), (4), and (5).~~(3), (7), (9), and (10). The Speaker of the House of Representatives shall appoint ~~the one person from category (3)~~(1) and ~~one the person each~~ from categories ~~(1), (4), and (5).~~(3), (7), (9), and (10). The Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall consult with one another to insure that each of the three geographic regions of the State are represented in appointments made to fill ~~categories (1) and (4).~~category (1).

(c) ~~The Governor Council~~ shall designate one member of the Council to serve as ~~chairperson at the pleasure of the Governor.~~chair.

(d) Members shall serve staggered terms of office of four years. The terms of office of members filling categories (1), (4), and (5) shall expire on 30 June of years that follow by one year those years that are evenly divisible by four. The terms of office of members filling categories (2), (3), (6), (7), ~~(8), (9),~~ and (10) shall expire on 30 June of years that follow by three years those years that are evenly divisible by four. Terms shall expire as provided by this subsection except that members of the Council shall serve until their successors are appointed and duly qualified as provided by G.S. 128-7. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term and shall be made by the appointing authority responsible for that category. ~~Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.~~

(e) The Governor shall have the power to remove, in accordance with G.S. 143B-13, any member appointed by the Governor. The General Assembly shall have the power to remove, in accordance with G.S. 143B-13, any member appointed by the General Assembly.

(f) Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(g) A majority of the Council shall constitute a quorum for the transaction of business.

(h) All clerical and other services required by the Council, including the support required to carry out studies it is requested to make, shall be supplied by the Commissioner of Agriculture."

NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL

SECTION 2.9. Effective July 1, 2012, G.S. 143-726 reads as rewritten:

"§ 143-726. Council membership; organization.

(a) Members. – The Council shall consist of up to ~~35~~20 members, or their designees, as set forth in this section. An appointing authority may reappoint a Council member for successive terms.

(b) ~~Governor's Appointments.~~ ~~The Governor shall appoint the following members:~~

~~(1) The head of an at-large State agency not represented in subsection (d) of this section.~~

~~(2) An employee of a county government, nominated by the North Carolina Association of County Commissioners.~~

- (3) ~~An employee of a municipal government, nominated by the North Carolina League of Municipalities.~~
- (4) ~~An employee of the federal government who is stationed in North Carolina.~~
- (5) ~~A representative from the Lead Regional Organizations.~~
- (6) ~~A member of the general public.~~
- (7) ~~Other individuals whom the Governor deems appropriate to enhance the efforts of geographic information coordination.~~

~~Members appointed by the Governor shall serve three-year terms~~ terms beginning on July 1, 2013.

(b1) Governor's Appointment. – The Governor may appoint one additional member whom the Governor deems appropriate to enhance the efforts of geographic information coordination. ~~The Governor shall appoint an individual from the membership of the Council to serve as Chair of the Council. The member appointed shall serve as Chair for a term of one year.~~

(c) General Assembly Appointments. – The President Pro Tempore of the Senate and the Speaker of the House of Representatives ~~shall each appoint three members to the Council. These members shall serve one-year terms.~~ may each appoint one member appropriate to enhance the efforts of geographic information coordination.

(d) Other Members. – Other Council members shall ~~include~~ include the following members or their designees:

- (1) The Secretary of State.
- (2) The Commissioner of Agriculture.
- (3) The Superintendent of Public Instruction.
- (4) The Secretary of Environment and Natural Resources.
- (5) The Secretary of the Department of Transportation.
- (6) The Secretary of the Department of Administration.
- (7) The Secretary of the Department of Commerce.
- (8) The Secretary of the Department of Public Safety.
- (9) The Secretary of the Department of Health and Human Services.
- (10) The Secretary of the Department of Revenue.
- (11) The President of the North Carolina Community Colleges System.
- (12) The President of The University of North Carolina System.
- (13) The Chair of the Public Utilities Commission.
- (14) ~~The State Budget Officer.~~ Executive Director of the North Carolina Society of Surveyors.
- (15) The Executive Director of the North Carolina League of Municipalities.
- (16) The Executive Director of the North Carolina Association of County Commissioners.
- (17) ~~One representative from the State Government GIS User Committee.~~
- (18) ~~One representative elected annually from the Local Government Committee established pursuant to subdivision (h)(2) of this section.~~
- (19) The State Chief Information Officer who shall serve as a nonvoting member.

Council members serving ex officio pursuant to this subsection shall serve terms coinciding with their respective offices. Members serving by virtue of their appointment by a standing committee of the Council shall serve for the duration of their appointment by the standing committee.

(d1) Chair. – The Governor shall appoint an individual from the membership of the Council to serve as Chair of the Council. The member appointed shall serve as Chair for a term of one year.

...

(f) Administration. – The Director of the ~~CGIA~~the Division of Emergency Management, or his or her designee, shall be secretary of the Council and the Office of Geospatial and Technology Management, Division of Emergency Management, Department of Public Safety, shall provide staff support as it requires.

(g) Reports. – The Council shall report at least annually to the ~~Governor and Governor, to the Joint Legislative Commission on Governmental Operations, Operations, and the Office of Geospatial and Technology Management, Division of Emergency Management, Department of Public Safety.~~

...."

NORTH CAROLINA HISTORICAL COMMISSION

SECTION 2.10. Effective July 1, 2012, G.S. 143B-63 reads as rewritten:

"§ 143B-63. Historical Commission – members; selection; quorum; compensation.

The Historical Commission of the Department of Cultural Resources shall consist of ~~11~~seven members appointed by the Governor.

The members of the North Carolina Historical Commission shall ~~include the members of the existing North Carolina Historical Commission who shall serve for a period equal to the remainder of their current terms on the Commission, plus four additional appointees of the Governor, two of whose appointments shall expire March 31, 1979, and two of whose appointments shall expire March 31, 1981. At the end of the respective terms of office of the members, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. Of the members, at least five shall have professional training or experience in the fields of archives, history, historic preservation, historic architecture, archaeology, or museum administration, including at least three currently involved in the teaching of history at the college or university level or in administering archives or historical collections or programs. Any appointment to fill a vacancy on the Commission created by resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.~~

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

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

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

The members of the Commission shall choose a chair from among its membership.

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources."

NORTH CAROLINA COUNCIL ON THE HOLOCAUST

SECTION 2.11. Effective July 1, 2012, G.S. 143A-48.1 reads as rewritten:

"§ 143A-48.1. North Carolina Council on the Holocaust; creation; purpose; membership; expenses; assistance.

...

(b) The Council shall consist of ~~24~~12 members, six appointed by the Governor, ~~six~~three appointed by the President Pro Tempore of the ~~Senate, Senate, and six~~three appointed by the Speaker of the House of Representatives, ~~and six~~appointed by the other 18 members. Representatives. Members appointed by the Governor shall be appointed for ~~serve~~ two-year terms to begin July 1 of each ~~odd-numbered~~even-numbered year. ~~The six at-large appointments shall be made by the Council at its first meeting after July 1 of each odd-numbered year.~~ Members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall initially serve one-year terms beginning July 1,

2012, with subsequent terms of two years beginning July 1 of each odd-numbered year. To be eligible for appointment as an at-large member, a person must either be a survivor of the Holocaust or a first-generation lineal descendant of such person. A majority of the members shall constitute a quorum for the transaction of business.

...."

NORTH CAROLINA HOUSING COORDINATION AND POLICY COUNCIL

SECTION 2.12. Effective July 1, 2012, G.S. 122A-5.11 reads as rewritten:

"§ 122A-5.11. Council membership; compensation; procedures.

(a) The Housing Coordination and Policy Council shall consist of ~~15~~nine representatives, as follows:

- ~~(1) One member of the N.C. Housing Partnership who is experienced with housing programs for low-income persons, as designated by the chair.~~
- ~~(2) One member of the Community Development Council who is experienced with federal, State, and local housing programs, as designated by the chair.~~
- ~~(3) One member of the N.C. Housing Finance Agency Board of Directors who is experienced with real estate finance and development, as designated by the chair.~~
- ~~(4) One member of the Weatherization Policy Advisory Council who is experienced with community weatherization programs, as designated by the chair.~~
- (5) One member of the State protection and advocacy agency designated under the Developmental Disabilities Assistance and Bill of Rights Act 2000, P.L. 106-402, who is familiar with the housing needs of the disabled.
- (6) The executive director of the Commission of Indian Affairs, or a designee familiar with Indian housing programs.
- (7) The Assistant Secretary of Community Development and Housing, or a designee familiar with housing programs related to community development and housing functions.
- (8) The director of the Division of Aging, or a designee familiar with the housing programs of the Division.
- (9) The executive director of the N.C. Housing Finance Agency, or a designee familiar with the housing programs of the Agency.
- (10) The director of the Division of Mental Health, or a designee familiar with housing for those with mental disabilities.
- (11) The executive director of the N.C. Human Relations Commission, or a designee familiar with federal and State fair housing laws.
- ~~(12) The head of the AIDS Care Branch, or a designee familiar with the housing programs of the Division of Adult Health Promotion.~~
- (13) The director of the Office of Economic Opportunity, or a designee familiar with programs for the homeless.
- ~~(14) Two members~~One member of nonprofit organizations who are experienced with housing advocacy for low-income persons and State and federal housing programs.

...."

NORTH CAROLINA HUMAN RELATIONS COMMISSION

SECTION 2.13. Effective July 1, 2012, G.S. 143B-392 reads as rewritten:

"§ 143B-392. North Carolina Human Relations Commission – Members; selection; quorum; compensation.

(a) The Human Relations Commission of the Department of Administration shall consist of ~~22-11~~ members. The Governor shall appoint ~~one member from each of the 13 congressional districts, plus~~ five members at large, ~~including the chairperson.~~ members. The Speaker of the North Carolina House of Representatives shall appoint two members to the Commission. The President Pro Tempore of the Senate shall appoint two members to the Commission. The Chair of the Commission shall be appointed by members of the Commission. ~~The terms of four of the members appointed by the Governor shall expire June 30, 1988. The terms of four of the members appointed by the Governor shall expire June 30, 1987. The terms of four of the members appointed by the Governor shall expire June 30, 1986. The terms of four of the members appointed by the Governor shall expire June 30, 1985. The terms of the members appointed by the Speaker of the North Carolina House of Representatives shall expire June 30, 1986. The terms of the members appointed by the Lieutenant Governor shall expire June 30, 1986. The initial term of office of the person appointed to represent the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. At the end of the respective terms of office of the initial members of the Commission, the~~ The appointment of their successors shall be for terms of four years. No member of the commission shall serve more than two consecutive terms. A member having served two consecutive terms shall be eligible for reappointment one year after the expiration of his second term. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be filled in the manner of the original appointment for the unexpired term.

...."

STATE ADVISORY COUNCIL ON INDIAN EDUCATION

SECTION 2.14. Effective July 1, 2012, G.S. 115C-210.1 reads as rewritten:

"§ 115C-210.1. Membership – How appointed.

The Council shall consist of ~~15-11~~ members, as follows:

...

- (4) ~~Eight-Four~~ Indian parents of students enrolled in public schools and two Indian educators from public elementary/secondary schools to be appointed by the State Board of Education from a list submitted by the North Carolina Commission on Indian Affairs;

...."

NORTH CAROLINA INTERNSHIP COUNCIL

SECTION 2.15. Effective July 1, 2012, G.S. 143B-418 reads as rewritten:

"§ 143B-418. North Carolina Internship Council – members; selection; quorum; compensation; clerical, etc., services.

The North Carolina Internship Council shall consist of ~~17-13~~ members, including the Secretary of Administration or his designee, one member to be designated by and to serve at the pleasure of the President Pro Tempore of the Senate, one member to be designated by and to serve at the pleasure of the Speaker of the House of Representatives and the following ~~14-10~~ members to be appointed by the Governor to a two-year term commencing on July 1 of odd-numbered years: two representatives of community colleges; ~~four-two~~ representatives of The University of North Carolina system; ~~two-representatives~~ one representative of private colleges or universities; three representatives of colleges or universities with an enrollment of less than 5,000 students; and ~~three-two~~ former interns.

At the end of the respective terms of office of the ~~14-10~~ members of the Council appointed by the Governor, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify. The Governor may remove any member appointed by the Governor.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Council shall meet at the call of the ~~chairman~~ chair or upon written request of at least five members.

The Governor shall designate a member of the Council as ~~chairman~~ chair to serve at the pleasure of the Governor.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

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

All clerical and other services required by the Council shall be supplied by the Secretary of Administration."

STATE LIBRARY COMMISSION

SECTION 2.16. Effective July 1, 2012, G.S. 143B-91 reads as rewritten:

"§ 143B-91. State Library Commission – members; selection; quorum; compensation.

(a) The State Library Commission shall consist of ~~15~~ 11 members. All members shall have an interest in the development of library and information services in North Carolina. ~~Eight~~ Six members shall be appointed by the Governor. One member shall be appointed by the President Pro Tempore of the Senate. One member shall be appointed by the Speaker of the North Carolina House of Representatives. ~~Three~~ Two members shall be appointed by the North Carolina Public Library Directors Association. ~~Two members~~ One member shall be the President and the President-elect of the North Carolina Library Association or ~~two appointees~~ one appointee as determined by the North Carolina Library Association's Board of Directors. The State Librarian shall be an ex officio member and act as secretary to the Commission.

All appointments shall be for four-year terms with ~~eight~~ six of the commissioners taking office on the first four-year cycle and ~~seven~~ five commissioners taking office on the second four-year cycle. Any appointment to fill a vacancy in one of the positions appointed by the Governor, President Pro Tempore or Speaker of the House of Representatives shall be for the remainder of the unexpired term. Appointees shall not serve more than two successive four-year terms.

The Governor shall choose a chairperson from among the gubernatorial appointees. The chairperson shall serve not more than two successive two-year terms as chair.

Members of the Commission shall receive per diem and necessary travel and subsistence expenses as provided in G.S. 138-5.

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

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources.

The Commission shall meet at least twice a year.

...."

LOCAL HEALTH DEPARTMENT ACCREDITATION BOARD

SECTION 2.17. Effective July 1, 2012, G.S. 130A-34.1 reads as rewritten:

"§ 130A-34.1. Accreditation of local health departments; board established.

(a) The Local Health Department Accreditation Board is established within the North Carolina Institute for Public Health. The Board shall be composed of ~~17~~ 9 members appointed by the Secretary of the Department of Health and Human Services as follows:

(1) ~~Four~~ Two shall be county commissioners recommended by the North Carolina Association of County Commissioners, and ~~four~~ two shall be members of a local board of health as recommended by the Association of North Carolina Boards of Health.

- (2) ~~Three~~Two local health directors.
(3) ~~Three~~Two staff members from the Division of Public Health, Department of Health and Human Services.
(4) Repealed by Session Laws 2011-145, s. 13.3(zz), effective July 1, 2011.
(5) ~~Three~~One at large.
...."

MARINE FISHERIES COMMISSION ADVISORY COMMITTEES

SECTION 2.18.(a) Effective July 1, 2012, G.S. 143B-289.57 reads as rewritten:

"§ 143B-289.57. Marine Fisheries Commission Advisory Committees established; members; selection; duties.

...

(b) The Chair of the Commission shall appoint the following standing advisory committees:

- (1) The Finfish Committee, which shall consider matters concerning finfish.
(2) ~~The Crustacean Committee, which shall consider matters concerning shrimp and crabs.~~
(3) ~~The Shellfish Committee, which shall consider matters concerning oysters, clams, scallops, and other molluscan shellfish.~~
(3a) The Shellfish/Crustacean Advisory Committee, which shall consider matters concerning oysters, clams, scallops, other molluscan shellfish, shrimp, and crabs.
(4) The Habitat and Water Quality Committee, which shall consider matters concerning habitat and water quality that may affect coastal fisheries resources.

...

(e) The Chair of the Commission shall appoint a ~~regional advisory committee for each of the three coastal regions designated in G.S. 143B-289.54(b) and shall appoint a regional advisory committee for that part of the State that is not included in the three coastal regions.~~ Northern Advisory Committee, encompassing areas from the Virginia line south through Hyde and Pamlico Counties and any counties to the west, and a Southern Advisory Committee, encompassing areas from Carteret County south to the South Carolina line and any counties to the west. In making appointments to regional advisory committees, the Chair of the Commission shall ensure that both commercial and recreational fishing interests are fairly represented."

SECTION 2.18.(b) The terms of the members currently serving on the Crustacean, Shellfish, and the three regional advisory committees (Northern, Central, and Southern) shall expire on June 30, 2012. Effective July 1, 2012, the Chair of the Marine Fisheries Advisory Commission shall appoint no more than 11 members to the Northern Advisory Committee and the Southern Advisory Committee, established pursuant to subsection (e) of G.S. 143B-289.57, as amended by this section.

NORTH CAROLINA ADVISORY COMMISSION ON MILITARY AFFAIRS

SECTION 2.19. Effective July 1, 2012, G.S. 127C-2 reads as rewritten:

"§ 127C-2. Membership.

(a) The North Carolina Advisory Commission on Military Affairs shall consist of ~~24~~15 voting members, who shall serve on the Executive Committee, and 17 nonvoting, ex officio members who shall serve by reason of their positions.

(b) The Executive Committee shall be appointed as follows:

- (1) ~~Three~~ Five members appointed by the Speaker of the House of Representatives, ~~one of whom shall be a member of a recognized veterans' organization, consisting of:~~
- a. One representative from the Jacksonville community.
 - b. One representative from the Havelock community.
 - c. One representative from the Goldsboro community.
 - d. One representative from the Fayetteville community.
 - e. One public member who is a member of a recognized veterans' organization.
- (2) ~~Three~~ Five members appointed by the President Pro Tempore of the Senate, ~~one of whom shall be a member of a recognized veterans' organization, consisting of:~~
- a. One representative from the Jacksonville community.
 - b. One representative from the Havelock community.
 - c. One representative from the Goldsboro community.
 - d. One representative from the Fayetteville community.
 - e. One public member who is a member of a recognized veterans' organization.
- (3) ~~Fifteen~~ Five members appointed by the Governor, consisting of:
- a. ~~Three representatives~~ One representative from the Jacksonville community.
 - b. ~~Three representatives~~ One representative from the Havelock community.
 - c. ~~Three representatives~~ One representative from the Goldsboro community.
 - d. ~~Three representatives~~ One representative from the Fayetteville community.
 - e. ~~Three~~ One public members ~~from across the State~~ member who is a veteran.
-"

MINORITY HEALTH ADVISORY COUNCIL

SECTION 2.20. Effective July 1, 2012, G.S. 130A-33.44 reads as rewritten:

"§ 130A-33.44. Minority Health Advisory Council – members; selection; quorum; compensation.

(a) The Minority Health Advisory Council in the Department shall consist of ~~15~~ nine members to be appointed as follows:

- (1) ~~Five~~ Three members shall be appointed by the Governor. Members appointed by the Governor shall be representatives of the following: health care providers, public health, health related public and private agencies and organizations, community-based organizations, and human services agencies and organizations.
- (2) ~~Five~~ Three members shall be appointed by the Speaker of the House of Representatives, ~~two~~ one of whom shall be ~~members~~ a member of the House of Representatives, and at least one of whom shall be a public member. The remainder of the Speaker's appointees shall be representative of any of the entities named in subdivision (1) of this subsection.
- (3) ~~Five~~ Three members shall be appointed by the President Pro Tempore of the Senate, ~~two~~ one of whom shall be ~~members~~ a member of the Senate, and at least one of whom shall be a public member. ~~The remainder of the President~~

Pro Tempore's appointees member, and one of whom shall be representative of any of the entities named in subdivision (1) of this subsection.

...."

NORTH CAROLINA MUSEUM OF ART BOARD OF TRUSTEES

SECTION 2.21.(a) Effective October 1, 2012, G.S. 140-5.13 reads as rewritten:

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

...

(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 2911 members, chosen as follows:

(1) The Governor shall appoint ~~13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);~~ five members;

(2) ~~The North Carolina State Art Society, Incorporated, shall elect four members;~~

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect ~~four~~ two members;

(4) The Board of Trustees of the North Carolina Museum of Art shall elect ~~four~~ two members;

(5) The General Assembly shall appoint ~~four~~ two members, ~~two~~ one upon the recommendation of the Speaker of the House of Representatives, and ~~two~~ one upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until his successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years.

...."

SECTION 2.21.(b) The terms of the members currently serving on the Board of Trustees of the North Carolina Museum of Art shall expire September 30, 2012. Members appointed to the Board pursuant to G.S. 140-5.13, as amended by subsection (a) of this section, shall begin serving their terms on October 1, 2012.

NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY

SECTION 2.22. Effective July 1, 2012, G.S. 143B-472.81 reads as rewritten:

"§ 143B-472.81. North Carolina Board of Science and Technology; membership; organization; compensation; staff services.

(a) The North Carolina Board of Science and Technology consists of the Governor, the Secretary of Commerce, and ~~17~~ 13 members appointed as follows: the Governor shall appoint one member from the University of North Carolina at Chapel Hill, one member from North Carolina State University at Raleigh, and ~~two members~~ one member from other components of the University of North Carolina, all nominated by the President of the University of North Carolina; one member from Duke University, nominated by the President of Duke University; one member from a private college or university, other than Duke University, in North Carolina, nominated by the President of the Association of Private Colleges and Universities; one member from the Research Triangle Institute, nominated by the executive committee of the board of that institute; one member from the Microelectronics Center of North Carolina, nominated by the executive committee of the board of that center; one member from the North

1 Carolina Biotechnology Center, nominated by the executive committee of the board of that
2 center; ~~four members~~one member from private industry in North Carolina, ~~at least one of~~
3 ~~whom shall be a professional engineer registered pursuant to Chapter 89C of the General~~
4 ~~Statutes or a person who holds at least a bachelors degree in engineering from an accredited~~
5 ~~college or university; and two members from public agencies in North Carolina.~~ Two members
6 from private industry in North Carolina shall be appointed by the General Assembly, one shall
7 be appointed upon the recommendation of the President Pro Tempore of the Senate, and one
8 shall be appointed upon the recommendation of the Speaker of the House of Representatives in
9 accordance with G.S. 120-121. The nominating authority for any vacancy on the Board among
10 members appointed by the Governor shall submit to the Governor two nominations for each
11 position to be filled, and the persons so nominated shall represent different disciplines.

12 (b) Members appointed to the Board by the General Assembly shall serve for two-year
13 terms beginning 1 July of odd-numbered years. Vacancies in appointments made by the
14 General Assembly shall be filled in accordance with G.S. 120-122. ~~The two members from~~
15 ~~public agencies shall serve for terms expiring at the end of the term of the Governor appointing~~
16 ~~them.~~ ~~The other 13~~nine members appointed to the Board by the Governor shall serve for
17 ~~four-year~~three-year terms, and until their successors are appointed and qualified. Of those
18 ~~13~~nine members, ~~six~~five shall serve for terms that expire on 30 June of years that ~~follow by~~
19 ~~one year~~ ~~those years that are evenly divisible by four,~~three, and ~~seven~~four shall serve for terms
20 that expire on 30 June of years that ~~follow by three years precede by one year~~ those years that
21 are evenly divisible by ~~four~~three. Any appointment to fill a vacancy on the Board created by
22 the resignation, dismissal, death, or disability of a member shall be for the balance of the
23 unexpired term.

24 (c) The Governor or the Governor's designee shall serve as chair of the Board. The
25 vice-chair and the secretary of the Board shall be designated by the Governor or the Governor's
26 designee from among the members of the Board.

27
28

29 STATE YOUTH ADVISORY COUNCIL

30 SECTION 2.23. Effective July 1, 2012, G.S. 143B-386 reads as rewritten:

31 "§ 143B-386. State Youth Advisory Council – members; selection; quorum;
32 compensation.

33 The State Youth Advisory Council of the Department of Administration shall consist of ~~20~~
34 10 members. The composition and appointment of the Council shall be as follows:

35 ~~Ten~~Five youths to be elected by the procedure adopted by the Youth Advisory Council,
36 which shall include a requirement that ~~four~~two of the members represent youth organizations;
37 and ~~10~~five adults to be appointed by the Governor at least ~~four~~two of whom shall be
38 individuals working on youth programs through youth organizations. Provided that no person
39 shall serve on the Board for more than two complete consecutive terms.

40 ~~The initial members of the Council shall be the appointed members of the Youth Advisory~~
41 ~~Board who shall serve for a period equal to the remainder of their current terms on the Youth~~
42 ~~Advisory Board. The current terms of the youth members expire July 1, 1976, the current terms~~
43 ~~of four of the adult members expire April 7, 1976, and the remaining four adult members' terms~~
44 ~~expire May 1, 1978. At the end of the respective terms of office of the initial members of the~~
45 ~~Council, the appointment of their successors shall be as follows:~~

46 (1) ~~Eight youth members to serve for terms beginning on July 1, 1976, and~~
47 ~~expiring on June 30, 1977, and two additional youth members to serve for~~
48 ~~terms beginning on July 1, 1977, and expiring on June 30, 1978. At the end~~
49 ~~of the terms of office of these youth members of the Council, the~~
50 ~~appointment of their successors shall be for terms of two years and until~~
51 ~~their successors are appointed and qualify.~~

(2) ~~Four adult members to serve for terms beginning on April 8, 1976, and expiring on June 30, 1979; four adult members to serve for terms beginning on May 1, 1978, and expiring on June 30, 1980; one additional adult member to serve for a term beginning July 1, 1977, and expiring June 30, 1978; and one additional adult member to serve for a term beginning July 1, 1977, and expiring June 30, 1979. At the end of the respective terms of office of these adult members of the Council, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify. At least one adult member shall be an advisor of a local youth council at appointment and for the duration of the term. The term for each appointment shall be for two years.~~ The total membership shall reasonably reflect the socioeconomic, ethnic, sexual and sectional composition of the State.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

The Governor shall designate an adult member of the Council to serve as ~~chairman~~ chair at the pleasure of the Governor. The Council shall elect a youth member to serve as ~~vice-chairman~~ vice-chair for a one-year term.

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

Members of the Council who are not officers or employees of the State shall receive per diem and necessary travel and subsistence expenses in accordance with provisions of G.S. 138-5.

All clerical and other services required by the Council shall be supplied by the Secretary of Administration."

SECTION 2.23A. Unless otherwise provided, Sections 2.1 through 2.23 become effective July 1, 2012, and the members currently serving on the boards and commissions set out in those sections expire on June 30, 2012. If the terms of office being eliminated in this Subpart have not been set out by this act, then the appointing authorities shall determine by August 1, 2012, which terms to eliminate to achieve the membership totals pursuant to this Subpart.

SUBPART B. EXECUTIVE BOARDS AND COMMISSIONS

NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY

SECTION 2.24. Effective July 1, 2012, G.S. 122D-4 reads as rewritten:

"§ 122D-4. North Carolina Agricultural Finance Authority.

...

(b) ~~The Authority shall be composed of 10 members appointed to three year terms as follows:~~

(1) ~~One member appointed by the Governor to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.~~

(2) ~~One member appointed by the Governor to a term that expires on 1 July of years that are evenly divisible by three.~~

(3) ~~One member appointed by the Governor to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.~~

(4) ~~One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.~~

- 1 (5) ~~One member appointed by the General Assembly upon the recommendation~~
2 ~~of the President Pro Tempore of the Senate to a term that expires on 1 July~~
3 ~~of years that are evenly divisible by three.~~
4 (6) ~~One member appointed by the General Assembly upon the recommendation~~
5 ~~of the President Pro Tempore of the Senate to a term that expires on 1 July~~
6 ~~of years that follow by one year those years that are evenly divisible by~~
7 ~~three.~~
8 (7) ~~One member appointed by the General Assembly upon the recommendation~~
9 ~~of the Speaker of the House of Representatives to a term that expires on 1~~
10 ~~July of years that precede by one year those years that are evenly divisible~~
11 ~~by three.~~
12 (8) ~~One member appointed by the General Assembly upon the recommendation~~
13 ~~of the Speaker of the House of Representatives to a term that expires on 1~~
14 ~~OK July of years that are evenly divisible by three.~~
15 (9) ~~One member appointed by the General Assembly upon the recommendation~~
16 ~~of the Speaker of the House of Representatives to a term that expires on 1~~
17 ~~July of years that follow by one year those years that are evenly divisible by~~
18 ~~three.~~
19 (10) ~~The Commissioner or the Commissioner's designee shall serve ex officio,~~
20 ~~with the same rights and privileges, including voting rights, as other~~
21 ~~members.~~

22 **(b1) The Authority shall be composed of seven members appointed to three-years terms**
23 **as follows:**

- 24 (1) Two members appointed by the Governor to a term that expires on June 30
25 of years that precede by one year those years that are evenly divisible by
26 three.
27 (2) Two members appointed by the General Assembly upon the
28 recommendation of the President Pro Tempore of the Senate to a term that
29 expires June 30 of years that precede by one year those years that are evenly
30 divisible by three.
31 (3) Two members appointed by the General Assembly upon the
32 recommendation of the Speaker of the House of Representatives to a term
33 that expires on June 30 of years that follow by one year those years that are
34 evenly divisible by three.
35 (4) The Commissioner or the Commissioner's designees shall serve ex officio
36 with the same rights and privileges, including voting rights, as other
37 members.

38 (c) A member appointed under subdivisions (1) through ~~(9)~~(3) of subsection ~~(b)~~(b1) of
39 this section may be reappointed to no more than two successive three-year terms. Upon the
40 expiration of a three-year term, a member shall continue to serve until a successor is appointed
41 and duly qualified as provided by G.S. 128-7.

42 (d) Vacancies in the offices of any appointed members of the Authority shall be filled in
43 accordance with G.S. 120-122 for the remainder of the unexpired term. No vacant office shall
44 be included in the determination of a quorum. No vacancy in office shall impair the rights of
45 the members to exercise all rights and to conduct official business of the Authority.

46 "

47 **U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION**

48 **SECTION 2.25.** Effective July 1, 2012, the U.S.S. North Carolina Battleship
49 Commission shall be limited to 12 members. By August 1, 2012, the Governor shall eliminate
50

six of the appointments made by the Governor to the Commission, established pursuant to G.S. 143B-73.

NORTH CAROLINA CHILD CARE COMMISSION

SECTION 2.26. Effective July 1, 2012, the North Carolina Child Care Commission shall be limited to 15 members. By August 1, 2012, the Governor shall eliminate two of the appointments made by the Governor to the Commission, established pursuant to G.S. 143B-168.3.

NORTH CAROLINA COASTAL RESOURCES COMMISSION

SECTION 2.27. Effective July 1, 2012, G.S. 113A-104 reads as rewritten:

"§ 113A-104. Coastal Resources Commission.

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

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

(1) ~~One who shall at the time of appointment be actively connected with or have experience in commercial fishing.~~

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

(3) One who shall at the time of appointment be actively connected with or have experience in marine ecology.

(4) ~~One who shall at the time of appointment be actively connected with or have experience in coastal agriculture.~~

(5) One who shall at the time of appointment be actively connected with or have experience in coastal forestry.

(6) One who shall at the time of appointment be actively connected with or have experience in coastal land development.

(7) One who shall at the time of appointment be actively connected with or have experience in marine-related business (other than fishing and wildlife).

(8) One who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area.

(9) One who shall at the time of appointment be actively associated with a State or national conservation organization.

(10) One who shall at the time of appointment be actively connected with or have experience in financing of coastal land development.

(11) Two who shall at the time of appointment be actively connected with or have experience in local government within the coastal area.

~~(12) Three at-large members.~~

(c) Appointment of Members. – Appointments to the Commission shall be made to provide knowledge and experience in a diverse range of coastal interests. The members of the Commission shall serve and act on the Commission solely for the best interests of the public and public trust, and shall bring their particular knowledge and experience to the Commission for that end alone.

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

The remaining members of the Commission shall be appointed by the Governor after completion of the nominating procedures prescribed by subsection (d) of this section. The members of the Commission whose qualifications are described in subdivisions (1) through (5),

(9), and (11), shall be persons who do not derive any significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as agents for development-related business activities. The Governor shall require adequate disclosure of potential conflicts of interest by members. The Governor, by executive order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section.

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

...

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

...."

DOMESTIC VIOLENCE COMMISSION

SECTION 2.28. Effective July 1, 2012, G.S. 143B-394.15 reads as rewritten:
"§ 143B-394.15. Commission established; purpose; membership; transaction of business.

...

(c) Membership. – The Commission shall consist of ~~39~~20 members, who reflect the geographic and cultural regions of the State, as follows:

(1) ~~Nine~~Six persons appointed by the Governor, ~~one of whom is a clerk of superior court; one of whom is an academician who is knowledgeable about domestic violence trends and treatment; one of whom is a member of the medical community; one of whom is a United States Attorney for the State of North Carolina or that person's designee; one of whom is a member of the North Carolina Bar Association who has studied domestic violence issues; one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; program; and one of whom is a member of the North Carolina Coalition Against Domestic Violence; one of whom is a former victim of domestic violence; and one of whom is a member of the public at large.~~violence.

(2) ~~Nine~~Five persons appointed by the General Assembly, upon recommendation of the President Pro Tempore of the Senate, ~~one of whom is a member of the Senate; one of whom is a district court judge; one of whom is a district attorney or assistant district attorney; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence issues; one of whom is a county manager; one of whom is a representative of a community legal services agency who works with domestic violence victims; one of whom is a former victim representative of the linguistic and cultural minority communities; and one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; and one of whom is a member of the public at large.~~Women.

(3) ~~Nine~~Five persons appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives, ~~one of whom is a member of the House of Representatives; one of whom is a magistrate; one of whom is a member of the business community; one of whom is a district court judge; one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence issues; one of whom provides offender treatment and is approved by the North Carolina Council for Women; one of whom is a representative of the linguistic and cultural minority communities; and one of whom is a public member.~~former victim of domestic violence.

(4) The following persons: Attorney General, the Secretary of the Department of Public Safety, and the Chair of the North Carolina Council for Women, or their designees, ex officio; designees shall serve ex officio.

a. ~~The Governor.~~

b. ~~The Lieutenant Governor.~~

c. ~~The Attorney General.~~

d. ~~The Secretary of the Department of Administration.~~

e. ~~The Secretary of the Department of Public Safety.~~

f. ~~The Superintendent of Public Instruction.~~

g. ~~The Secretary of Public Safety.~~

h. ~~The Secretary of the Department of Health and Human Services.~~

i. ~~The Director of the Office of State Personnel.~~

j. ~~The Chair of the North Carolina Council for Women.~~

k. ~~The Dean of the School of Government at the University of North Carolina at Chapel Hill.~~

l. ~~The Chairman of the Governor's Crime Commission.~~

(d) Terms. – Members shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint ~~five~~three members for terms of two years and ~~four~~three members for terms of three years.

(2) The President Pro Tempore of the Senate shall initially appoint ~~five~~three members for terms of two years and ~~four~~two members for terms of three years.

(3) The Speaker of the House of Representatives shall initially appoint ~~five~~three members for terms of two years and ~~four~~two members for terms of three years.

Initial terms shall commence on September 1, 1999.

(e) Chair. – The chair shall be appointed biennially by the Governor from among the membership of the Commission. The initial term shall commence on September 1, 1999.

...."

NORTH CAROLINA MEDICAL CARE COMMISSION

SECTION 2.29. Effective July 1, 2012, G.S. 143B-166 reads as rewritten:

"§ 143B-166. North Carolina Medical Care Commission – members; selection; quorum; compensation.

The North Carolina Medical Care Commission of the Department of Health and Human Services shall consist of ~~17~~11 members appointed by the Governor. Three of the members appointed by the Governor shall be nominated by the North Carolina Medical Society, one member shall be nominated by the North Carolina Nurses Association, one member shall be nominated by the North Carolina Pharmaceutical Association, one member nominated by the Duke Foundation and one member nominated by the North Carolina Hospital Association. The remaining ~~10~~four members of the North Carolina Medical Care Commission shall be appointed by the Governor and selected so as to fairly represent agriculture, industry, labor, and other interest groups in North Carolina. One such member appointed by the Governor shall be a dentist licensed to practice in North Carolina. The initial members of the Commission shall be 18 members of the North Carolina Medical Care Commission who shall serve for a period equal to the remainder of their current terms on the North Carolina Medical Care Commission, six of whose appointments expire June 30, 1973, four of whose appointments expire June 30, 1974, four of whose appointments expire June 30, 1975, and four of whose appointments expire June 30, 1976. To achieve the required 17 members the Governor shall appoint three members to the Commission upon the expiration of four members' initial terms on June 30, 1973. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

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

Vacancies on said Commission among the membership nominated by a society, association, or foundation as hereinabove provided shall be filled by the Executive Committee or other authorized agent of said society, association or foundation until the next meeting of the society, association or foundation at which time the society, association or foundation shall nominate a member to fill the vacancy for the unexpired term.

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

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

All clerical and other services required by the Commission shall be supplied by the Secretary of Health and Human Services."

COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES

SECTION 2.30. Effective July 1, 2012, G.S. 143B-148 reads as rewritten:

"§ 143B-148. Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services – members; selection; quorum; compensation.

(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services shall consist of ~~32~~19 members, as follows:

(1) Eight shall be appointed by the General Assembly, four upon the recommendation of the Speaker of the House of Representatives, and four upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. In recommending appointments under this section, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall give consideration to ensuring a balance of appointments that represent those who may have knowledge and expertise in adult issues and those who may have knowledge and expertise in children's issues. Of the four appointments recommended by the President Pro Tempore of the Senate, one shall be an attorney licensed in this State with preference given to an attorney with experience in the practice of administrative law, one shall be a physician licensed to practice medicine in North Carolina, with preference given to a psychiatrist, and two shall be members of the public. Of the four appointments recommended by the Speaker of the House of Representatives, one shall be an attorney licensed in this State with preference given to an attorney with experience in the practice of mental health law, one shall be a physician licensed to practice medicine in North Carolina who has expertise and experience in the field of developmental disabilities, or a professional holding a Ph.D. with experience in the field of developmental disabilities, and two shall be members of the public. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(2) ~~Twenty-four~~Eleven shall be appointed by the ~~Governor, one from each congressional district in the State in accordance with G.S. 147-12(3)b, and the remainder at large members.~~Governor. The Governor's appointees shall represent the following categories of appointment:

- a. ~~Three professionals~~Professionals licensed or certified under Chapter 90 or Chapter 90B of the General Statutes who are practicing, teaching, or conducting research in the field of mental health.
- b. ~~Four consumers~~Consumers or immediate family members of consumers of mental health services. ~~Of these four, at least one shall be a consumer and at least one shall be an immediate family member of a consumer.~~ No more than two of the consumers or immediate family members shall be selected from nominations submitted by the Coalition 2001 or its successor organization.
- c. ~~Two professionals~~Professionals licensed or certified under Chapter 90 or Chapter 90B of the General Statutes who are practicing,

1 teaching, or conducting research in the field of developmental
2 disabilities, and one individual who is a "qualified professional" as
3 that term is defined in G.S. 122C-3(31) who has experience in the
4 field of developmental disabilities.

5 d. ~~Four consumers~~Consumers or immediate family members of
6 consumers of developmental disabilities services. ~~Of these four, at~~
7 ~~least one shall be a consumer and at least one shall be an immediate~~
8 ~~family member of a consumer.~~ No more than two of the consumers
9 or immediate family members shall be selected from nominations
10 submitted by the Coalition 2001 or its successor organization.

11 e. ~~Two professionals~~Professionals licensed or certified under Chapter
12 90 of the General Statutes who are practicing, teaching, or
13 conducting research in the field of substance abuse, and one
14 professional who is a certified prevention specialist or who
15 specializes in the area of addiction education.

16 f. An individual knowledgeable and experienced in the field of
17 controlled substances regulation and enforcement. The controlled
18 substances appointee shall be selected from recommendations made
19 by the Attorney General of North Carolina.

20 g. A physician licensed to practice medicine in North Carolina who has
21 expertise and experience in the field of substance abuse with
22 preference given to a physician that is certified by the American
23 Society of Addiction Medicine (ASAM).

24 h. ~~Four consumers~~Consumers or immediate family members of
25 consumers of substance abuse services. ~~Of these four, at least one~~
26 ~~shall be a consumer and at least one shall be an immediate family~~
27 ~~member of a consumer.~~ No more than two of the consumers or
28 immediate family members shall be selected from nominations
29 submitted by the Coalition 2001 or its successor organization.

30 i. An attorney licensed in this State. The appointments of professionals
31 licensed or certified under Chapter 90 or Chapter 90B of the General
32 Statutes made in accordance with this subdivision, and physicians
33 appointed in accordance with subdivision (1) of this subsection shall
34 be selected from nominations submitted to the appointing authority
35 by the respective professional associations.

36"

37
38 **NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., BOARD OF**
39 **DIRECTORS**

40 **SECTION 2.31.** Effective July 1, 2012, G.S. 143B-168.12 reads as rewritten:

41 **"§ 143B-168.12. North Carolina Partnership for Children, Inc.; conditions.**

42 (a) In order to receive State funds, the following conditions shall be met:

43 (1) The North Carolina Partnership shall have a Board of Directors consisting of
44 the following ~~26~~20 members:

45 a. The Secretary of Health and Human Services, ex officio, or the
46 Secretary's designee;

47 b. Repealed by Session Laws 1997, c. 443, s. 11A.105.

48 c. The Superintendent of Public Instruction, ex officio, or the
49 Superintendent's designee;

50 d. The President of the Community Colleges System, ex officio, or the
51 President's designee;

- 1 e. Three members of the public, including one child care provider, one
2 other who is a parent, and one other who is a board chair of a local
3 partnership serving on the North Carolina Partnership local
4 partnership advisory committee, appointed by the General Assembly
5 upon recommendation of the President Pro Tempore of the Senate;
6 f. Three members of the public, including one who is a parent, one
7 other who is a representative of the faith community, and one other
8 who is a board chair of a local partnership serving on the North
9 Carolina Partnership local partnership advisory committee, appointed
10 by the General Assembly upon recommendation of the Speaker of
11 the House of Representatives;
12 g. ~~Twelve-Six~~ members, appointed by the Governor. ~~Three-Two~~ of
13 these ~~12-six~~ members shall be members of the party other than the
14 Governor's party, appointed by the Governor. ~~Seven of these 12~~
15 ~~These six~~ members shall be appointed as follows: one who is a child
16 care provider, one other who is a pediatrician, ~~one other who is a~~
17 ~~health care provider~~, one other who is a parent, one other who is a
18 member of the business community, one other who is a member
19 representing a philanthropic agency, and one other who is an early
20 childhood educator;
21 h. Repealed by Session Laws 1998-212, s. 12.37B(a), effective October
22 30, 1998.
23 h1. The Chair of the North Carolina Partnership Board shall be appointed
24 by the ~~Governor~~; members of the Board;
25 i. Repealed by Session Laws 1998-212, s. 12.37B(a), effective October
26 30, 1998.
27 j. One member of the public appointed by the General Assembly upon
28 recommendation of the Majority Leader of the Senate;
29 k. One member of the public appointed by the General Assembly upon
30 recommendation of the Majority Leader of the House of
31 Representatives;
32 l. One member of the public appointed by the General Assembly upon
33 recommendation of the Minority Leader of the Senate;
34 m. One member of the public appointed by the General Assembly upon
35 recommendation of the Minority Leader of the House of
36 Representatives; and
37 n. The Director of the ~~More at Four NC~~ Pre-Kindergarten Program, or
38 the Director's designee.

39 All members appointed to succeed the initial members and members
40 appointed thereafter shall be appointed for three-year terms. Members may
41 succeed themselves.

42 All appointed board members shall avoid conflicts of interests and the
43 appearance of impropriety. Should instances arise when a conflict may be
44 perceived, any individual who may benefit directly or indirectly from the
45 North Carolina Partnership's disbursement of funds shall abstain from
46 participating in any decision or deliberations by the North Carolina
47 Partnership regarding the disbursement of funds.

48 All ex officio members are voting members. Each ex officio member
49 may be represented by a designee. These designees shall be voting members.
50 No members of the General Assembly shall serve as members.

1 The North Carolina Partnership may establish a nominating committee
2 and, in making their recommendations of members to be appointed by the
3 General Assembly or by the Governor, the President Pro Tempore of the
4 Senate, the Speaker of the House of Representatives, the Majority Leader of
5 the Senate, the Majority Leader of the House of Representatives, the
6 Minority Leader of the Senate, the Minority Leader of the House of
7 Representatives, and the Governor shall consult with and consider the
8 recommendations of this nominating committee.

9 The North Carolina Partnership may establish a policy on members'
10 attendance, which policy shall include provisions for reporting absences of
11 at least three meetings immediately to the appropriate appointing authority.

12 Members who miss more than three consecutive meetings without
13 excuse or members who vacate their membership shall be replaced by the
14 appropriate appointing authority, and the replacing member shall serve either
15 until the General Assembly and the Governor can appoint a successor or
16 until the replaced member's term expires, whichever is earlier.

17 The North Carolina Partnership shall establish a policy on membership
18 of the local boards. No member of the General Assembly shall serve as a
19 member of a local board. Within these requirements for local board
20 membership, the North Carolina Partnership shall allow local partnerships
21 that are regional to have flexibility in the composition of their boards so that
22 all counties in the region have adequate representation.

23 All appointed local board members shall avoid conflicts of interests and
24 the appearance of impropriety. Should instances arise when a conflict may
25 be perceived, any individual who may benefit directly or indirectly from the
26 partnership's disbursement of funds shall abstain from participating in any
27 decision or deliberations by the partnership regarding the disbursement of
28 funds.

29"

30 31 COMMISSION FOR PUBLIC HEALTH

32 SECTION 2.32. Effective July 1, 2012, G.S. 130A-30 reads as rewritten:

33 "§ 130A-30. Commission for Public Health – Members; selection; quorum; compensation.

34 (a) The Commission for Public Health shall consist of ~~13~~11 members, four of whom
35 shall be elected by the North Carolina Medical Society and ~~nine~~seven of whom shall be
36 appointed by the Governor.

37 (b) One of the members appointed by the Governor shall be a licensed pharmacist, one
38 a registered engineer experienced in sanitary engineering or a soil scientist, one a licensed
39 veterinarian, one a licensed optometrist, one a licensed dentist, and one a registered nurse. The
40 initial members of the Commission shall be the members of the State Board of Health who
41 shall serve for a period equal to the remainder of their current terms on the State Board of
42 Health, three of whose appointments expire May 1, 1973, and two of whose appointments
43 expire May 1, 1975. At the end of the respective terms of office of initial members of the
44 Commission, their successors shall be appointed for terms of four years and until their
45 successors are appointed and qualify. Any appointment to fill a vacancy on the Commission
46 created by the resignation, dismissal, death, or disability of a member shall be for the balance
47 of the unexpired term.

48"

49 50 UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC TELEVISION 51 BOARD OF TRUSTEES

SECTION 2.33. Effective July 1, 2012, G.S. 116-37.1 reads as rewritten:

"§ 116-37.1. Center for public television.

(b) The Center shall have a board of trustees, to be named "the Board of Trustees of the University of North Carolina Center for Public Television" (hereinafter called "the Board of Trustees"). The Board of Governors is hereby authorized and directed to establish the Board of Trustees of the Center and to delegate to the Board of Trustees such powers and duties as the Board of Governors deems necessary or appropriate for the effective discharge of the functions of the Center; provided, that the Board of Governors shall not be deemed by the provisions of this section to have the authority to delegate any responsibility it may have as licensee of the broadcast facilities of the University of North Carolina.

(1) The Board of Trustees of the University of North Carolina Center for Public Television shall be composed of the following membership: ~~four~~ four persons appointed by the Board of Governors; ~~four~~ two persons appointed by the Governor; two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121; and ex officio, the Secretary of the Department of Cultural Resources, the Secretary of the Department of Health and Human Services, the Superintendent of Public Instruction, the President of the Community College System, and the President of the University of North Carolina. In making initial appointments to the Board of Trustees, the Board of Governors shall designate six persons for two-year terms and five persons for four-year terms, and the Governor shall designate two persons for two-year terms and two persons for four-year terms. The initial members appointed to the Board of Trustees by the General Assembly shall serve for terms expiring June 30, 1983, and notwithstanding anything else in this section, their successors shall be appointed in 1983 and biennially thereafter for two-year terms. Thereafter, the term of office of appointed members of the Board of Trustees of the Center shall be four years. In making appointments to the Board of Trustees the appointing authorities shall give consideration to promoting diversity among the membership, to the end that, in meeting the responsibilities delegated to it, the Board of Trustees will reflect and be responsive to the diverse needs, interests, and concerns of the citizens of North Carolina.

...."

SOCIAL SERVICES COMMISSION

SECTION 2.34. Effective July 1, 2012, G.S. 143B-154 reads as rewritten:

"§ 143B-154. Social Services Commission – members; selection; quorum; compensation.

The Social Services Commission of the Department of Health and Human Services shall consist of ~~one member from each congressional district in the State, all of whom shall be~~ nine members appointed by the Governor for four-year ~~terms~~ terms beginning July 1.

~~The initial members of the Commission shall be the appointed members of the current Social Services Commission who shall serve for the remainder of their current terms and four additional members appointed by the Governor for terms expiring April 1, 1981. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, removal or disability of a member shall be for the balance of the unexpired term.~~

~~In the event that more than 11 congressional districts are established in the State, the Governor shall on July 1 following the establishment of such additional congressional districts appoint a member of the Commission from that congressional district.~~

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

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

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

All clerical and other services required by the Commission shall be supplied by the Secretary of Health and Human Services."

NORTH CAROLINA TEXTBOOK COMMISSION

SECTION 2.35. Effective July 1, 2012, G.S. 115C-87 reads as rewritten:

"§ 115C-87. Appointment of Textbook Commission.

Shortly after assuming office, the Governor shall appoint a Textbook Commission of ~~23~~16 members who shall hold office for four years, or until their successors are appointed and qualified. The members of the Commission shall be appointed by the Governor upon recommendation of the Superintendent. ~~Five-Three~~ of these members shall be teachers or principals in grades K-5; ~~five-three~~ shall be teachers or principals in grades 6-8; four shall be superintendents, teachers, or principals in grades 9-12; ~~one shall be a superintendent of a local school administrative unit; three-two~~ shall be parents of students in grades K-5 at the time of appointment; ~~three-two~~ shall be parents of students in grades 6-8 at the time of appointment; and two shall be parents of students in grades 9-12 at the time of appointment. The Governor shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a ~~chairman, chair~~, subject to the approval of the Superintendent. The Commission shall meet four times a year or at the call of the chair. The members shall be entitled to compensation for each day spent on the work of the Commission as approved by the Board and to reimbursement for travel and subsistence expense incurred in the performance of their duties at the rates specified in G.S. 138-5(a). Compensation shall be paid from funds available to the State Board of Education."

TOBACCO TRUST FUND COMMISSION

SECTION 2.36. G.S. 143-717 reads as rewritten:

"§ 143-717. Commission.

(b) Membership. – The Commission shall consist of ~~18~~13 members. The Commission shall be appointed as follows: ~~six-five~~ members by the Governor, ~~six-four~~ members by the President Pro Tempore of the Senate, and ~~six-four~~ members by the Speaker of the House of Representatives. The members shall be appointed as follows:

(1) The Governor shall make the following appointments:

- a. A ~~flue-cured~~-tobacco farmer.
- b. A ~~flue-cured~~-tobacco farmer.
- c. A person in or displaced from tobacco-related employment.
- d. ~~An at-large appointee.~~
- e. An at-large appointee.
- f. An at-large appointee.

(2) The President Pro Tempore of the Senate shall make the following appointments:

- a. ~~A flue-cured tobacco farmer.~~
- b. A ~~flue-cured~~-tobacco farmer.
- c. A ~~burley~~-tobacco farmer.
- d. An at-large appointee.
- e. An at-large appointee.

- 1 f. ~~An at-large appointee.~~
2 (3) The Speaker of the House of Representatives shall make the following
3 appointments:
4 a. A flue-cured tobacco farmer.
5 b. ~~A former flue-cured allotment holder who is not also a flue-cured~~
6 ~~tobacco farmer.~~
7 c. A burley-tobacco farmer.
8 d. An at-large appointee.
9 e. An at-large appointee.
10 f. An at-large appointee.

11 It is the intent of the General Assembly that the appointing authorities, in appointing
12 members, shall appoint members who represent the geographic, political, gender, and racial
13 diversity of the State. It is the intent of the General Assembly that at least one-half of the
14 members of the Commission be tobacco farmers.

15 Except as provided for the initial members under subsection (c) of this section, members
16 shall serve four-year terms beginning July 1. No member may serve more than two full
17 consecutive terms. Members may continue to serve beyond their terms until their successors are
18 duly appointed, but any holdover shall not affect the expiration date of the succeeding term.
19 Vacancies shall be filled by the designated appointing authority for the remainder of the
20 unexpired term. A member may be removed from office for cause by the authority that
21 appointed that member.

22 (c) Initial Membership; Staggering. – To provide for a staggered membership, the
23 members initially appointed to the Commission shall be appointed to staggered terms. Of the
24 initial appointments to the Commission, the members initially appointed pursuant to
25 sub-subdivisions ~~(b)(1)a., (b)(1)b., and (2)d., and (3)d.~~ of this section shall serve one-year terms
26 ending on ~~June 30, 2001.~~ June 30, 2013. The members initially appointed pursuant to
27 sub-subdivisions (b)(2)c., (2)e., (3)a., and (3)e. shall serve two-year terms ending on ~~June 30,~~
28 ~~2002.~~ June 30, 2014. The members initially appointed pursuant to sub-subdivisions (b)(1)c.,
29 ~~(1)d., (1)e., (2)b., and (3)c.~~ of this section shall serve three-year terms ending ~~June 30, 2003.~~
30 June 30, 2015. The remaining members initially appointed pursuant to subsection (b) of this
31 section shall serve four-year terms ending ~~June 30, 2004.~~ June 30, 2016.

32 ...
33 (f) Quorum; Majority. – ~~Ten~~ Seven members shall constitute a quorum of the
34 Commission. The Commission may act upon a majority vote of the members of the
35 Commission on matters involving the disbursement of funds and personnel matters properly
36 before the Commission. On all other matters, the Commission may act by majority vote of the
37 members of the Commission at a meeting at which a quorum is present.

38"
39

40 NORTH CAROLINA INSTITUTE OF MEDICINE, BOARD OF DIRECTORS

41 SECTION 2.37. G.S. 90-470 reads as rewritten:

42 "§ 90-470. Institute of Medicine.

43 The persons appointed under the provisions of this section are declared to be a body politic
44 and corporate under the name and style of the North Carolina Institute of Medicine, and by that
45 name may sue and be sued, make and use a corporate seal and alter the same at pleasure,
46 contract and be contracted with, and shall have and enjoy all the rights and privileges necessary
47 for the purposes of this section. The corporation shall have perpetual succession.

48 The purposes for which the corporation is organized are to:

- 49 (1) Be concerned with the health of the people of North Carolina;
50 (2) Monitor and study health matters;
51 (3) Respond authoritatively when found advisable;

(4) Respond to requests from outside sources for analysis and advice when this will aid in forming a basis for health policy decisions.

~~The Governor shall appoint seven of the initial members of the North Carolina Institute of Medicine shall be appointed by the Governor. Medicine beginning July 1, 2012. The General Assembly shall appoint four members, two upon the recommendation of the President Pro Tempore of the Senate and two upon the recommendation of the Speaker of the House of Representatives to an initial term beginning July 1, 2012.~~

The initial members are authorized, prior to expanding the membership, to establish bylaws, to procure facilities, employ a director and staff, to solicit, receive and administer funds in the name of the North Carolina Institute of Medicine, and carry out other activities necessary to fulfill the purposes of this section.

The members shall select with the approval of the Governor additional members, so that the total membership will not exceed a number determined by the Board of Directors in its bylaws. The membership should be distinguished and influential leaders from the major health professions, the hospital industry, the health insurance industry, State and county government and other political units, education, business and industry, the universities, and the university medical centers.

The North Carolina Institute of Medicine may receive and administer funds from private sources, foundations, State and county governments, federal agencies, and professional organizations.

The director and staff of the North Carolina Institute of Medicine should be chosen from those well established in the field of health promotion and medical care.

For the purposes of Chapter 55A of the General Statutes, the members appointed under this section shall be considered the initial board of directors.

The North Carolina Institute of Medicine is declared to be under the patronage and control of the State.

The General Assembly reserves the right to alter, amend, or repeal this section."

NORTH CAROLINA COUNCIL FOR WOMEN

SECTION 2.38. G.S. 143B-394 reads as rewritten:

"§ 143B-394. North Carolina Council for Women – members; selection; quorum; compensation.

~~The North Carolina Council for Women of the Department of Administration shall consist of 20-11 members appointed by the Governor. The initial members of the Council shall be the appointed members of the North Carolina Council for Women, three of whose appointments expire June 30, 1977, and four of whose appointments expire June 30, 1978. Thirteen additional members shall be appointed in 1977, six of whom shall serve terms expiring June 30, 1978, and seven of whom shall serve terms expiring June 30, 1979. At the ends of the respective terms of office of the initial members of the Council and of the 13 members added in 1977, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify as follows: Seven appointments by the Governor, two appointments by the President Pro Tempore of the Senate, and two by the Speaker of the House of Representatives. Initial terms for appointments by the Governor shall be for two years. Initial appointments by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall be for four years. All subsequent terms shall be for four years. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term. Members of the Council shall be representative of age, sex, ethnic and geographic backgrounds.~~

~~The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973. The appointing authority shall have the power to remove any member of the Commission~~

1 appointed by that authority from office for misfeasance, malfeasance, and nonfeasance
2 according to applicable provisions of law.

3 ~~The Governor-Council~~ shall designate a member of the Council to serve as ~~chairman-at the~~
4 ~~pleasure of the Governor-chair.~~

5 Members of the Council shall receive per diem and necessary travel and subsistence
6 expenses in accordance with the provisions of G.S. 138-5.

7 A majority of the Council shall constitute a quorum for the transaction of business.

8 All clerical and other services required by the Council shall be supplied by the Secretary of
9 Administration."

11 NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT

12 SECTION 2.39. G.S. 143B-438.10 reads as rewritten:

13 "§ 143B-438.10. Commission on Workforce Development.

14 ...
15 (b) Membership; Terms. – The Commission on Workforce Development shall consist
16 of ~~38-18~~ members appointed as follows:

17 (1) By virtue of their offices, the following department and agency heads or
18 their respective designees shall serve on the Commission: the Secretary of
19 the Department of Health and Human Services, the Assistant Secretary of
20 Commerce in charge of the Division of Employment Security, the
21 Superintendent of Public Instruction, the President of the Community
22 Colleges System Office, the Commissioner of the Department of Labor, and
23 the Secretary of the Department of Commerce.

24 (2) The Governor shall appoint ~~32-12~~ members as follows:

- 25 a. ~~Six-Two~~ members representing public, postsecondary, and vocational
26 education.
27 b. ~~Two-members~~ One member representing a community-based
28 organizations-organization.
29 c. ~~Six-Two~~ members representing labor.
30 d. ~~Eighteen-Seven~~ members representing business and industry.

31 (3) The terms of the members appointed by the Governor shall be for four years.

32"
33

34 ENVIRONMENTAL MANAGEMENT COMMISSION

35 SECTION 2.40.(a) G.S. 143B-283 reads as rewritten:

36 "§ 143B-283. Environmental Management Commission – members; selection; removal;
37 compensation; quorum; services.

38 (a) Membership. – The Environmental Management Commission shall consist of
39 ~~13seven~~ members appointed by the Governor. The Governor shall select the members so that
40 the membership of the Commission shall consist of:

41 (1) One who shall be a licensed physician with specialized training and
42 experience in the health effects of environmental pollution;

43 (2) ~~One who shall, at the time of appointment, be actively connected with the~~
44 ~~Commission for Public Health or local board of health or have experience in~~
45 ~~health sciences;~~

46 (3) One who shall, at the time of appointment, be actively connected with or
47 have had experience in agriculture;

48 (4) One who shall, at the time of appointment, be a registered engineer with
49 specialized training and experience in water supply or water or air pollution
50 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; and~~
- (11) One who shall, at the time of appointment, have special training and scientific expertise in freshwater, estuarine, marine biological, or ecological sciences.

(b) Terms. — Members appointed by the Governor shall serve terms of office of six years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Governor may reappoint a member of the Commission to an additional term if, at the time of the reappointment, the member qualifies for membership on the Commission under subsection (a) of this section.

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

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

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

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

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

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

SECTION 2.40.(b) G.S. 143B-284 reads as rewritten:

"§ 143B-284. Environmental Management Commission – officers.

The Environmental Management Commission shall have a ~~chairman~~ chair and a ~~vice chairman~~ vice-chair. The ~~chairman~~ chair shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. ~~Commission~~. The ~~vice chairman~~ vice-chair shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term whichever comes first."

SECTION 2.41. Unless otherwise provided, Sections 2.24 through 2.40 become effective July 1, 2012. If the terms of office being eliminated in this Subpart have not been set out by this act, then the appointing authorities shall determine by August 1, 2012, which terms to eliminate to achieve the membership totals pursuant to this Subpart.

PART III. MISCELLANEOUS AND CONFORMING CHANGES**E-NC AUTHORITY**

SECTION 3.1. Section 1.16 of S.L. 2011-176 and Section 3.6 of S.L. 2011-406 are repealed.

EARLY CHILDHOOD VISION CONFORMING CHANGE

SECTION 3.2. G.S. 130A-440.1 reads as rewritten:

"§ 130A-440.1. Early Childhood Vision Care.

...

(f) No child shall be excluded from attending school for a parent's failure to obtain a comprehensive eye examination required under this section. If a parent fails or refuses to obtain a comprehensive eye examination or to provide the certification of a comprehensive eye examination, the school shall send a written reminder to the parent of required eye examinations and shall include information about funds that may be available from the Governor's Commission on Early Childhood Vision Care examinations."

EMPLOYEE HOSPITAL AND MEDICAL BENEFITS

SECTION 3.3. G.S. 58-50-180 reads as rewritten:

"§ 58-50-180. Risk Pool established; board of directors; plan of operation.

...

(g) The Executive Director shall make an annual report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Commissioner, and the Joint Legislative Oversight Committee on Health and Human Services, ~~and the Committee on Employee Hospital and Medical Benefits Services~~. The report shall summarize the activities of the Pool in the preceding calendar year, including the net written and earned premiums, benefit plan enrollment, the expense of administration, and the paid and incurred losses."

NORTH CAROLINA CEMETERY COMMISSION

SECTION 3.4.(a) G.S. 65-49 reads as rewritten:

"§ 65-49. The North Carolina Cemetery Commission.

~~There is hereby established in the Department of Commerce a~~ The North Carolina Cemetery Commission is established with the power and duty to adopt rules and regulations to be followed in the enforcement of this Article."

SECTION 3.4.(b) G.S. 65-50 reads as rewritten:

"§ 65-50. Cemetery Commission; members, selection, quorum.

(a) Membership. – The Cemetery Commission shall consist of nine members. The General Assembly shall appoint two ~~members~~ members who own or manage a cemetery in North Carolina, one of whom shall be recommended by the President Pro Tempore of the

Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

- (1) Two members who own or manage cemeteries in North Carolina.
- (2) Three members who are selected from six nominees submitted by the North Carolina Cemetery Association.
- (3) Two public members who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. ~~Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.~~

(b1) Any vacancy shall be filled by the authority originally filling that position, except that any vacancy in appointments by the General Assembly shall be filled in accordance with G.S. 120-122.

(c) Removal. – The appointing authority shall have the power to remove any member of the Commission appointed by that authority from office for misfeasance, malfeasance and nonfeasance according to applicable provisions of law.

(d) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

~~(e) Chair-Officers. – At the first meeting of the Commission held after September 1, 1975, the Commission shall elect one of its members as its chairman-chair and another as its vice-chairman, vice-chair, both to serve through June 30 of the next following year. Thereafter, at its first meeting held on or after July 1 of each year, the Commission shall elect from its members a chairman and vice chairman to serve through June 30 of the next following year-president, vice president, and secretary-treasurer with no two offices to be held by the same person. All officers shall serve for a term of one year and shall serve until their successors are elected and qualified. "~~

SECTION 3.4.(c) G.S. 65-51 reads as rewritten:

"§ 65-51. Principal office.

The principal office of the Commission shall be in the City of Raleigh, North Carolina. Notice of all regular and special meetings of the Commission shall be advertised 10 or more days in advance in at least three newspapers in North Carolina having inter-county circulation in the State. Each member of the Commission shall receive per diem and allowances in accordance with ~~G.S. 138-5~~ G.S. 93B-5. ~~The administrator~~ Members of the ~~Commission~~ Commission and other employees required to attend and legal counsel to the Commission shall be entitled to actual expenses while attending regular or special meetings of the Commission held other than in Raleigh, North Carolina. All ~~salaries, compensation, and~~ expenses of the Commission shall be paid from funds coming to the Commission pursuant to this Article. In no case shall any salary, compensation, or other expense of the Commission be charged against the General Fund."

SECTION 3.4.(d) G.S. 65-53 reads as rewritten:

"§ 65-53. Powers.

In addition to other powers conferred by this Article, the Cemetery Commission shall have the following powers and duties:

- ~~(1) The administrator shall be appointed by the Governor upon recommendation of the Cemetery Commission. The compensation of the administrator and such other personnel as is necessary to operate the Commission is subject to the provisions of Chapter 126 of the General Statutes of North Carolina. The~~

Commission is authorized and empowered to ~~To~~ employ such staff, including legal counsel, as may be ~~necessary~~ necessary to perform its duties and determine the compensation of its employees.

(2) To examine a cemetery company's records when a person applies for a change of control of the company.

(3) Investigate, upon its own initiative or upon a verified complaint in writing, the actions of any person engaged in the business or acting in the capacity of a licensee under this Article. The license of a licensee may be revoked or suspended for a period not exceeding two years, or until compliance with a lawful order imposed in the final order of suspension, or both, where the licensee in performing or attempting to perform any of the acts specified in this Article has been guilty of:

- a. Failing to pay the fees required herein;
- b. Failing to make any reports required by this Article;
- c. Failing to remit to the care and maintenance trust fund, merchandise trust fund, or preconstruction trust fund the required amounts;
- d. Making any substantial misrepresentation;
- e. Making any false statement of a character likely to influence or persuade;
- f. A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen;
- g. Violating any provision of this Article or rule promulgated by the Commission; or
- h. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(4) ~~In all proceedings under this Article for the revocation or suspension of licenses, the provisions of Chapter 150B of the General Statutes shall be applicable. To hold hearings in accordance with the provisions of this Article and Article 3A of Chapter 150B of the General Statutes to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Commission.~~

In any show cause hearing before the Commission held under the authority of Article 3A of Chapter 150B of the General Statutes where the Commission imposes discipline against a licensee, the Commission may recover the costs, other than attorneys' fees, of holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars (\$2,500).

(5) ~~At such time as the Commission finds it necessary it may bring an action in the name of the State in the court of the county in which the place of business is located against such person to enjoin such person from engaging in or continuing such violation or doing any act or acts in furtherance thereof. To apply to the courts, in its own name, for injunctive relief to prevent violations of this Article or violations of any rules adopted pursuant to this Article. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke the injunctive relief under this subdivision.~~ In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper; provided, that before any such action is brought the Commission shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the

violation. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the court shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this Article through or by means of the use of said property and business. The Commission may institute proceedings against the cemetery or its officers, whereafter an examination, pursuant to this Article, a shortage in the care and maintenance trust fund, merchandise trust fund or mausoleum and belowground crypts preconstruction trust fund is discovered, to recover said shortage.

(6) Whenever any special additional audit or examination of a licensee's premises, facilities, books or records is necessary because of the failure of the licensee to comply with the requirements imposed in this Article or by the rules and regulations of the Commission, to charge a fee based on the cost of the special examination or audit, taking into consideration the salary of any employees involved in the special audit or examination and any expenses incurred.

(7) ~~Promulgate~~ To promulgate rules and regulations requiring licensees to file with the Commission plans and specifications for the minimum quality of any product sold. The sale of any product for which plans and specifications required by the rules and regulations have not been filed or sale of any product of a lesser quality than the plans and specifications filed with the Commission is a violation of this Article.

(8) When the Commission finds that failure by a licensee to maintain a cemetery properly has caused that cemetery to be a public nuisance or a health or safety hazard, the Commission may bring an action for injunctive relief, against the responsible licensee, in the superior court of the county in which the cemetery or any part thereof is located.

(9) To acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and Council of State. Collateral pledged by the Commission for an encumbrance is limited to the assets, incomes, and resources of the Commission.

(10) To purchase, rent, or lease equipment and supplies and purchase liability insurance to cover the activities of the Commission, its operations, or its employees."

SECTION 3.4.(e) Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"§ 65-53.1. Inspectors.

(a) The Commission may appoint one or more agents who shall serve at the pleasure of the Commission and who shall have the title "Inspector of the North Carolina Cemetery Commission."

(b) To determine compliance with the provisions of this Article and regulations promulgated under this Article, inspectors may:

(1) Enter the office, establishment, or place of business in North Carolina of any cemetery broker, cemetery company, cemetery management organization, cemetery sales organization, or preneed sales licensee to inspect the records, office, establishment, or facility, or to inspect the practice conducted or license of any licensee.

(2) Inspect criminal and probation records of licensees and applicants for licenses under this Article to obtain evidence of their character.

(c) Inspectors may serve papers and subpoenas issued by the Commission or any office or member thereof under authority of this Article and shall perform other duties prescribed or ordered by the Commission.

(d) The Commission may prescribe an inspection form to be used by the inspectors in performing their duties.

(e) Upon request by the Commission, the Attorney General of North Carolina shall provide the inspectors with appropriate identification cards signed by the Attorney General or his or her designated agent. In lieu of identification cards, the Commission may design and issue badges to inspectors."

SECTION 3.4.(f) Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"§ 65-54.1. Commission records are confidential.

Records, papers, and other documents containing information collected or compiled by the Commission, its members, or employees, as a result of a complaint, investigation, inquiry, or interview in connection with an application for license, or in connection with a license holder's professional ethics and conduct, shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Any notice or statement of charges against a license holder or applicant, or any notice to a license holder or applicant of a hearing to be held by the Commission, is a public record even though it may contain information collected and compiled as a result of a complaint, investigation, inquiry, or interview conducted by the Commission. If any record, paper, or other document containing information collected and compiled by the Commission is admitted into evidence in a hearing held by the Commission, it shall then be a public record within the meaning of Chapter 132 of the General Statutes."

SECTION 3.4.(g) G.S. 143B-433(1) reads as rewritten:

"§ 143B-433. Department of Commerce – organization.

The Department of Commerce shall be organized to include:

(1) The following agencies:

- a. The North Carolina Alcoholic Beverage Control Commission.
- b. The North Carolina Utilities Commission.
- c. Repealed by Session Laws 2011-401, s. 1.5, effective November 1, 2011.
- d. The North Carolina Industrial Commission.
- e. State Banking Commission.
- f. Savings Institutions Division.
- g. Repealed by Session Laws 2001-193, s. 11, effective July 1, 2001.
- h. Credit Union Commission.
- i. Repealed by Session Laws 2004-199, s. 27(d), effective August 17, 2004.
- j. The North Carolina Mutual Burial Association Commission.
- k. ~~North Carolina Cemetery Commission.~~
- l. The North Carolina Rural Electrification Authority.
- m. Repealed by Session Laws 1985, c. 757, s. 179(d).
- n. North Carolina Science and Technology Research Center.
- o. Repealed by Session Laws 2011-145, s. 14.6(g), effective July 1, 2011.
- p. Repealed by Session Laws 2010-180, s. 7(f), effective August 2, 2010.
- q. Economic Development Board.
- r. Labor Force Development Council.

s., t. Repealed by Session Laws 2000, c. 140, s. 76.(j), effective September 30, 2000.

u. Navigation and Pilotage Commissions established by Chapter 76 of the General Statutes.

v. Repealed by Session Laws 1993, c. 321, s. 313b."

SECTION 3.4.(h) Section 14.7(a) of S.L. 2011-145 reads as rewritten:

"SECTION 14.7.(a) In consultation with the Fiscal Research Division, the Department of Commerce and the ABC Commission, State Banking Commission, Credit Union Division, Cemetery Commission, Utilities Commission, Utilities Commission Public Staff, and the Rural Electrification Authority shall study the following: (i) the types of services provided by the Department of Commerce to each of the agencies during each fiscal year; and (ii) formulas or methods to be used to determine the costs of the services, including the advantages and disadvantages of each formula or method. The Department of Commerce and each of the agencies shall prepare a joint recommendation as to which formula or method to determine the costs of the services should be used. In addition, the Department of Commerce and each of the agencies shall develop a memorandum of understanding that details the services to be provided by the Department of Commerce during each fiscal year."

SECTION 3.4.(i) This section is effective when it becomes law.

DIRECTOR OF THE MUSEUM OF ART

SECTION 3.5. G.S. 140-5.15 reads as rewritten:

"§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.

(a) ~~The Secretary of Cultural Resources Director's Committee shall appoint the Director of the North Carolina Museum of Art from a list of not fewer than two nominees recommended by the Board of Trustees of the North Carolina Museum of Art and may dismiss the Director. The Director's Committee shall evaluate the performance of the Director and shall determine the Director's compensation within the limitations of available funding.~~

(b) ~~The Secretary of Cultural Resources may dismiss the Director unless two thirds of the authorized membership of the Board of Trustees shall vote to reverse that action in accordance with the following procedure: Upon dismissal of the Director, the Secretary shall give to the chairman of the Board of Trustees written notice of that action. This notice shall be sent to the chairman of the Board within 10 days after the Secretary makes a final decision on dismissal. The chairman shall promptly communicate the notice of dismissal to all other Board members. Board action to consider reversal of the Secretary's decision shall be taken at a regular or special meeting called pursuant to G.S. 140-5.13(h). Reversal of the Secretary's order of dismissal may be effected only by resolution adopted by an affirmative vote of two thirds of the authorized membership of the Board of Trustees at a meeting held within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director. All ex officio members of the Board shall be entitled to vote on this question. The failure of two thirds of the authorized membership of the Board of Trustees to vote to reverse the Secretary's order of dismissal within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director shall be deemed an affirmation of that order by the Board.~~

(b1) The Director's Committee shall consist of the following members:

(1) The Secretary of Cultural Resources.

(2) The Chair of the Board of Trustees of the North Carolina Museum of Art.

(3) One member designated by the Board of Trustees of the North Carolina Museum of Art.

(4) The President of the Board of Directors of the North Carolina Museum of Art Foundation, Inc., or other designated representative of the Board.

- (5) One member designated by the Board of the North Carolina Museum of Art Foundation, Inc.
- (c) The State-funded portion of the salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act.
- (d) The Director shall have the following powers and duties:
- (1) Under the supervision of the Board of Trustees, to direct and administer the North Carolina Museum of Art in accordance with the policies, rules, and regulations adopted by the Board of Trustees;
 - (2) To employ such persons as are necessary to perform the functions of the North Carolina Museum of Art and are provided for in the budget of the Museum and to promote, demote, and dismiss such persons in accordance with State personnel policies, rules, and regulations. This paragraph shall not apply to associate directors and curators;
 - (3) To serve as director of collections of the North Carolina Museum of Art;
 - (4) To serve as Secretary to the Board of Trustees.
- (e) The Director, associate directors, and curators shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the Secretary of Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators."

NORTH CAROLINA BOARD OF LICENSING OF SOIL SCIENTISTS

SECTION 3.6. G.S. 89F-25 reads as rewritten:

"§ 89F-25. Fees.

(a) The Board shall determine fees for the following services that shall not exceed the amounts specified in this section:

Application	\$ 50.00
Examination	125.00
License	85.00
Renewal	85.00
Restoration	110.00
Replacement license	50.00
Seal	30.00.

(b) Examination fees shall not exceed the national exam fee as set by the examination vendor selected by the Board."

STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

SECTION 3.7. G.S. 87-39(a) reads as rewritten:

"(a) The State Board of Examiners of Electrical Contractors shall continue as the State agency responsible for the licensing of persons engaging in electrical contracting within this State, and shall consist of eight members appointed as follows:

- (1) ~~one~~ One member from the North Carolina Department of Insurance to be designated by the Commissioner of ~~Insurance~~ Insurance.
- (2) ~~one member~~ Two members who ~~has~~ have satisfied the requirements for an unlimited license as defined in G.S. 87-43.3 and who ~~is a representative~~ are representatives of the North Carolina Association of Electrical Contractors to be designated by the governing body of that ~~organization~~ organization.
- (3) Two members who have satisfied the requirements for an unlimited license as defined in G.S. 87-43.3 and who are representatives of the Carolinas Electrical Contractors Association to be designated by the governing body of that organization.
- (4) ~~and five~~ Three members to be appointed by the Governor:

- 1 a. ~~one~~ One from the faculty of The Greater University of North
2 Carolina who teaches or does research in the field of electrical
3 ~~engineering, engineering.~~
4 b. ~~one~~ One who is serving as a chief electrical inspector of a
5 municipality or county in North Carolina, ~~one who has satisfied the~~
6 ~~requirements for an unlimited license as defined in G.S. 87-43.3 and~~
7 ~~who is a representative of the Carolinas Electrical Contractors~~
8 ~~Association operating a sole proprietorship, partnership or~~
9 ~~corporation located in North Carolina which is actively engaged in~~
10 ~~the business of electrical contracting, and~~ Carolina.
11 c. ~~two~~ One who ~~have~~ has no ties with the construction industry and who
12 ~~represent~~ represents the interest of the public at large."
13

14 **BOARD OF FUNERAL SERVICE**

15 **SECTION 3.8.** Article 13A of Chapter 90 of the General Statutes is amended by
16 adding a new section to read:

17 **"§ 90-210.25B. Persons who shall not be licensed under this Article.**

18 (a) The board shall not issue or renew any licensure, permit, or registration to any
19 person or entity who has been convicted of a sexual offense against a minor.

20 (b) For purposes of this Article, the term "sexual offense against a minor" means a
21 conviction of any of the following offenses: G.S. 14-27.4A(a) (sex offense with a child; adult
22 offender), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years
23 old where the defendant is at least six years older), G.S. 14-190.16 (first-degree sexual
24 exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor),
25 G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting
26 prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1
27 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or
28 certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking
29 indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act
30 of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual
31 act upon a juvenile by parent or guardian). The term shall also include a conviction of the
32 following: any attempt, solicitation, or conspiracy to commit any of these offenses or any
33 aiding and abetting any of these offenses. The term shall also include a conviction in another
34 jurisdiction for an offense which if committed in this State has the same or substantially similar
35 elements to an offense against a minor as defined by this section.

36 (c) If a person or entity holding a license, permit, or registration in another jurisdiction
37 has the license revoked, suspended, or placed on probation because of a felony conviction other
38 than those enumerated above, the board shall impose a sanction equal or greater to the sanction
39 imposed by the other jurisdiction.

40 (d) If a person or entity holding a license, permit, or registration in another jurisdiction
41 has the license revoked, suspended, or placed on probation because of conduct related to fitness
42 to practice as described in G.S. 90-210.25(e), the board shall impose a sanction equal to or
43 greater than the sanction imposed by the other jurisdiction."
44

45 **NORTH CAROLINA VETERINARY MEDICAL BOARD FEES**

46 **SECTION 3.9.** G.S. 90-186 reads as rewritten:

47 **"§ 90-186. Special powers of the Board.**

48 In addition to the powers set forth in G.S. 90-185 above, the Board may:

49 ...

- 50 (6) Set and require fees pursuant to administrative rule for the following:

- 1 a. Issuance or renewal of a certificate of registration for a professional
2 corporation, in an amount not to exceed ~~one hundred fifty dollars~~
3 ~~(\$150.00)~~ four hundred fifty dollars (\$450.00).
- 4 b. Administering a North Carolina license examination, in an amount
5 not to exceed ~~two hundred fifty dollars (\$250.00)~~ seven hundred fifty
6 dollars (\$750.00).
- 7 c. Securing and administering national examinations, including the
8 National Board Examination or the Clinical Competency Test, in
9 amounts directly related to the costs to the Board.
- 10 d. Inspection of a veterinary practice facility in an amount not to exceed
11 ~~seventy-five dollars (\$75.00)~~ two hundred fifty dollars (\$250.00).
- 12 e. Issuance or renewal of a license or a limited license in an amount not
13 to exceed ~~one hundred fifty dollars (\$150.00)~~ four hundred fifty
14 dollars (\$450.00).
- 15 f. Issuance or renewal of a veterinary faculty certificate, in an amount
16 not to exceed ~~one hundred fifty dollars (\$150.00)~~ four hundred fifty
17 dollars (\$450.00).
- 18 g. Issuance or renewal of a zoo veterinary certificate, in an amount not
19 to exceed ~~one hundred fifty dollars (\$150.00)~~ four hundred fifty
20 dollars (\$450.00).
- 21 h. Reinstatement of an expired license, a limited license, a veterinary
22 faculty certificate, a zoo veterinary certificate, a veterinary technician
23 registration, or a professional corporation registration in an amount
24 not to exceed one hundred dollars (\$100.00).
- 25 i. Issuance or renewal of a veterinary technician registration, in an
26 amount not to exceed ~~fifty dollars (\$50.00)~~ one hundred fifty dollars
27 (\$150.00).
- 28 j. Issuance of a veterinary student intern registration, in an amount not
29 to exceed ~~twenty-five dollars (\$25.00)~~ seventy-five dollars (\$75.00).
- 30 k. Issuance of a veterinary student preceptee registration, in an amount
31 not to exceed ~~twenty-five dollars (\$25.00)~~ seventy-five dollars
32 (\$75.00).
- 33 l. Late fee for renewal of a license, a limited license, a veterinary
34 technician registration, a veterinary faculty certificate, a zoo
35 veterinary certificate, or a professional corporation registration, in an
36 amount not to exceed fifty dollars (\$50.00).
- 37 m. Issuance of a temporary permit to practice veterinary medicine in an
38 amount not to exceed ~~one hundred fifty dollars (\$150.00)~~ four
39 hundred fifty dollars (\$450.00).
- 40 n. Providing copies, upon request, of Board publications, rosters, or
41 other materials available for distribution from the Board, in an
42 amount determined by the Board that is reasonably related to the
43 costs of providing those copies.

44 The fees set under this subdivision for the renewal of a license, a limited
45 license, a registration, or a certificate apply to each year of the renewal
46 period.

47"

48
49 **ROANOKE RIVER BASIN BI-STATE COMMISSION**

50 **SECTION 3.10.(a) G.S. 77-92 reads as rewritten:**

51 **"§ 77-92. Membership; terms of office; eligibility for appointment.**

1 (a) The Roanoke River Basin Bi-State Commission shall consist of 18 members with
2 each state appointing nine members. The North Carolina delegation to the Commission shall
3 consist of ~~the six members of the General Assembly of North Carolina appointed the following~~
4 members:

5 (1) Three members of the North Carolina House of Representatives appointed
6 by the Speaker of the House of Representatives.

7 (2) Three members of the North Carolina Senate appointed by the President Pro
8 Tempore of the Senate. to the North Carolina Roanoke River Basin Advisory
9 Committee and three

10 (3) Three nonlegislative members of the North Carolina Roanoke River Basin
11 Advisory Committee, established pursuant to G.S. 77-103, who represent
12 different geographical areas of the North Carolina portion of the Basin and
13 who reside within the Basin's watershed, to be appointed by the Governor of
14 North Carolina.

15 (4) The Virginia delegation to the Commission shall be appointed as determined
16 by the Commonwealth of Virginia.

17"

18 **SECTION 3.10.(b)** G.S. 77-93 reads as rewritten:

19 "**§ 77-93. Powers and duties.**

20 ...

21 (b) To perform its duties and objectives, the Commission shall have the following
22 powers:

23 ...

24 (2) To establish standing and ad hoc advisory committees pursuant to
25 G.S. 77-94 ~~in addition to the North Carolina Roanoke River Basin Advisory~~
26 ~~Committee established pursuant to Part 2 of this Article and the Virginia~~
27 ~~Roanoke River Basin Advisory Committee established pursuant to Chapter~~
28 ~~5.4 of Title 62.1 of the Code of Virginia, which shall be constituted in a~~
29 ~~manner to ensure a balance between recognized interests. The Commission~~
30 ~~shall determine the purpose of each advisory committee.~~

31"

32
33 **PART IV. EFFECTIVE DATE.**

34 **SECTION 4.** Unless otherwise provided, this act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

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

S851-ALG-100 [v.1]

Page 1 of 1

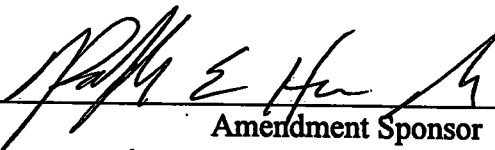
Comm. Sub. [YES]
Amends Title [NO]
S851-CSLG-36

Date _____, 2012

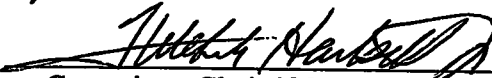
Senator Hise

1 moves to amend the bill on page 42, line 45; by deleting "19" and substituting "20"; and
2
3 on page 43, line 18, by deleting "Eleven" and substituting "Twelve"; and
4
5 on page 44, lines 16 and 17, by adding between those lines the following new language to read:
6 "j. A hospital administrator or other facility or service administrator with
7 expertise in crisis services management."
8

SIGNED


Amendment Sponsor

SIGNED


Committee Chair if Senate Committee Amendment

ADOPTED

☒

FAILED

☐

TABLED

☐



* S 8 5 1 - A L G - 1 0 0 - V - 1 *



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851***

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

Page 1 of 1

S851-ALG-101 [v.2]

Comm. Sub. [YES]
Amends Title [NO]
S851-CLGS-36

Date _____, 2012

Senator Rouzer

- 1 moves to amend the bill on page 46, lines 31-51, and on page 47, lines 1-18,
2 by deleting those lines and by renumbering the remaining sections.
3

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED



* S 8 5 1 - A L G - 1 0 1 - V - 2 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

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

S851-ARK-117 [v.2]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Date _____, 2012

Senator FRUTKELL

1 Moves to amend the bill on page 50, line 46, by deleting "2.33" and substituting "2.33(a)",
2
3 And on page 50, line 50, by deleting "18" and substituting "25",
4
5 and on page 51, lines 3 and 4, by rewriting the lines to read:
6 "the Department of Health and Human Services, ~~the Assistant Secretary of Commerce in~~
7 ~~charge of the Division of Employment Security, the Secretary of the Department of~~
8 Administration, the",
9

10 And on page 51, line 8, by deleting "12" and substituting "19",
11

12 And on page 51, line 13, by deleting "Two" and substituting "Three",
13

14 And on page 51, line 14, by deleting "Seven" and substituting "Thirteen",
15

16 And on page 51 by inserting between lines 16 and 17, the following:
17

18 "SECTION 2.33(b). This section shall be effective January 1, 2013."
19
20

SIGNED

[Signature]
Amendment Sponsor

SIGNED

[Signature]
Committee Chair if Senate Committee Amendment

ADOPTED ☒

FAILED ☐

TABLED ☐



* S 8 5 1 - A R K - 1 1 7 - V - 2 *

Passed

4



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

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

S851-ALG-103 [v.1]

Page 1 of 1

Comm. Sub. [YES]
Amends Title [NO]
S851-CSLG-36

Date _____, 2012

Senator White

1 moves to amend the bill on page 34, line 34, by deleting "15" and substituting "17"; and
2
3 on page 34, line 38, by deleting "Five" and substituting "Six"; and
4
5 on page 34, lines 46 and 47, by adding between those lines the following new language to read:
6 "f. One member or designee of the US Coast Guard from Elizabeth City."; and
7
8 on page 34, line 47, by deleting "Five" and substituting "Six"; and
9
10 on page 35, lines 4 and 5, by adding between those lines the following new language to read:
11 "f. One member of designee of the US Coast Guard from Elizabeth City.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ☒ FAILED ☐ TABLED ☐



* S 8 5 1 - A L G - 1 0 3 - V - 1 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

Amendment #6
motion Fast
to approve

S851-ALG-107 [v.1]

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

Page 1 of 1

Comm. Sub. [YES]
Amends Title [NO]
S851-CSLG-36

Date _____, 2012

Senator Purcell

- 1 moves to amend the bill on page 8, lines 8-38, by deleting those lines.
2
3

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ☒ FAILED _____ TABLED _____



* S 8 5 1 - A L G - 1 0 7 - V - 1 *



#7

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

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

S851-ALG-104 [v.1]

Page 1 of 1

Comm. Sub. [YES]
Amends Title [NO]
S851-CSLG-36

Date _____, 2012

Senator Purcell

1 moves to amend the bill on page 20, lines 13-15, by deleting those lines.
2
3

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Withdrawn



* S 8 5 1 - A L G - 1 0 4 - V - 1 *

7

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Amendment
#8EDITION No. CSLG-3b

H. B. No. _____

DATE 06-05-12S. B. No. 851

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Rouzer
Sen.)1 moves to amend the bill on page 20, line 11

2 () WHICH CHANGES THE TITLE

3 by deleting "2015" and substituting4 "2019".

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SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. CSLG-36

H. B. No. _____

DATE 06-05-12

S. B. No. 851

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Rouzer
Sen. (

1 moves to amend the bill on page 20, line 14

2 () WHICH CHANGES THE TITLE

3 by deleting "2015" and substituting
4 "2019".

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SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. CSLG-36

H. B. No. _____

DATE 06-05-12

S. B. No. 851

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

Rouzer

1 moves to amend the bill on page 17, line 36

2 () WHICH CHANGES THE TITLE

3 by deleting "2015" and substituting
4 "2019".

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SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

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

S851-ALG-106 [v.1]

Page 1 of 1

Comm. Sub. [YES]
Amends Title [NO]
S851-CSLG-36

Date _____, 2012

Senator Purcell

1 moves to amend the bill on page 1, lines 26-28, by deleting those lines.
2
3

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Displaced

Motion by Bingham
passed



* S 8 5 1 - A L G - 1 0 6 - V - 1 *

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. CSLG-36

H. B. No. _____

DATE 06-05-12

S. B. No. 851

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

Rouzer

1 moves to amend the bill on page 35, line 46

2 () WHICH CHANGES THE TITLE

3 by deleting "18" and substituting
4 "25"; and

5
6 on page 35, line 49 by deleting
7 "six" and substituting "thirteen".

SIGNED

Did Rouzer

ADOPTED ✓

FAILED _____

TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. CSLG-36

H. B. No. _____

DATE 06-05-12

S. B. No. 851

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Rouzer

Sen.)

1 moves to amend the bill on page 20, line 50

2 () WHICH CHANGES THE TITLE

3 by deleting "12" and substituting
4 "18"; and on

5
6 page 21, line 2 and page 21,

7
8 line 4, by deleting "four"

9
10 and substituting "six" each

11
12 time it appears.

13

14

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SIGNED Did Rouzer

ADOPTED ☒ FAILED ☐ TABLED ☐ 13

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. CSLG-3b

H. B. No. _____

DATE 06-05-12

S. B. No. 851

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.

Rouzer

1 moves to amend the bill on page 10, line 5 13-14

2 () WHICH CHANGES THE TITLE

3 by adding between those lines the
4 following new language to read:
5 Section 1.11(c)

6 "~~At~~ The University of North Carolina
7 shall report to the General Assembly
8 annually beginning on January 1, 2013,
9 on the continuing nursing shortage
10 in the State and the measures
11 taken to address this issue."

12 _____

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SIGNED _____

ADOPTED ☒ FAILED ☐ TABLED ☐

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. CSLG-36

H. B. No. _____

DATE 06-05-12

S. B. No. 5851

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Mansfield

1 moves to amend the bill on page 25, lines 35-50, through page 26, lines
2 () WHICH CHANGES THE TITLE 1-50,
3 by deleting those lines.

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*Withdrawn
by Mansfield
Replaced by
#19*

SIGNED

Mansfield

ADOPTED _____

FAILED _____

TABLED _____

Displace

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851***

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

S851-ARC-53 [v.1]

Page 1 of 2

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

Date _____, 2012

Senator Pate

1 moves to amend the bill on page 44, lines 33-43, by deleting the lines and substituting the
2 following:

3 "e. Three members of the public, ~~including one child care provider, one~~
4 ~~other who is a parent, and one other who is a board chair of a local~~
5 ~~partnership serving on the North Carolina Partnership local~~
6 ~~partnership advisory committee, public~~ appointed by the General
7 Assembly upon recommendation of the President Pro Tempore of the
8 Senate;

9 f. Three members of the public, ~~including one who is a parent, one~~
10 ~~other who is a representative of the faith community, and one other~~
11 ~~who is a board chair of a local partnership serving on the North~~
12 ~~Carolina Partnership local partnership advisory committee, public~~
13 appointed by the General Assembly upon recommendation of the
14 Speaker of the House of Representatives;";

15
16 and on pages 44, lines 44-50, and on page 45, lines 1-2, by deleting the lines and substituting
17 the following:

18 "g. ~~Twelve~~ Six members, appointed by the Governor. ~~Three~~ Two of
19 these ~~12~~ six members shall be members of the party other than the
20 Governor's party, appointed by the Governor. ~~Seven of these 12~~
21 ~~members shall be appointed as follows: one who is a child care~~
22 ~~provider, one other who is a pediatrician, one other who is a health~~
23 ~~care provider, one other who is a parent, one other who is a member~~
24 ~~of the business community, one other who is a member representing~~
25 ~~a philanthropic agency, and one other who is an early childhood~~
26 ~~educator;";~~

27
28 and on page 45, line 6, by deleting the line and substituting the following:

29 "by the Governor;";

30
31 and on page 45, by inserting the following between lines 20-21:



* S 8 5 1 - A R C - 5 3 - V - 1 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

S851-ARC-53 [v.1]

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

Page 2 of 2

1 "It is the intent of the General Assembly that appointments to the
2 North Carolina Partnership Board shall be representative of the
3 stakeholders and recipients of the early education system in North
4 Carolina, including past or present local partnership board chairs.
5 The North Carolina Partnership Board shall also include individuals
6 who can assist with private fundraising. It shall be the responsibility
7 of the North Carolina Partnership Board to recommend appropriate
8 individuals that meet these criteria to the appointing authorities."
9
10
11
12

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No.

CSLG-36

H. B. No.

DATE

06-05-12

S. B. No.

851 PCS

Amendment No.

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE

Rep.)

Sen.)

ATWATER

27-29, 35-37,
40-41 & 48-49

RUA

1 moves to amend the bill on page 51, line

2 () WHICH CHANGES THE TITLE

3 by REINSTATING Three Lines

4 pg 51 Line 13 Reinstated 91

- 5
- 6
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SIGNED

Atwater

ADOPTED

FAILED



TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

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

S851-ALG-102 [v.1]

Page 1 of 1

Comm. Sub. [YES]
Amends Title [NO]
S851-CSLG-36

Date _____, 2012

Senator East

1 moves to amend the bill on page 59, lines 32-39, by rewriting those lines to read:

2 "(2) ~~one member~~ Two members who ~~has~~ have satisfied the requirements for an
3 unlimited license as defined in G.S. 87-43.3 and ~~who is a representative~~ G.S.
4 87.43.3, are actively engaged in the business of electrical contracting, and
5 are representatives of the North Carolina Association of Electrical
6 Contractors to be designated by the governing body of that
7 ~~organization;~~ organization.

8 (3) Two members who have satisfied the requirements for an unlimited license
9 as defined in G.S. 87-43.3, are actively engaged in the business of electrical
10 contracting, and are representatives of the Carolinas Electrical Contractors
11 Association to be designated by the governing body of that organization."
12
13

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



* S 8 5 1 - A L G - 1 0 2 - V - 1 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 851*

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

Page 1 of 1

S851-ATP-2 [v.2]

Comm. Sub. [YES]
Amends Title [NO]
S851-CSLG-36 [v.18]

Date _____, 2012

Senator _____

1 moves to amend the bill on page 25, line 36, by deleting "SECTION 2.7." and substituting
2 "SECTION 2.7.(a).";
3

4 And on page 26 by inserting between lines 50 and 51, the following:

5 "SECTION 2.7.(b). The terms of the members currently serving on the North
6 Carolina Geographic Information Coordinating Council shall expire on December 31, 2012.
7 Members appointed to the Council pursuant to G.S. 143-726, as amended by subsection (a) of
8 this section, shall begin serving their terms on January 1, 2013. To achieve staggered terms,
9 the terms of the members appointed by the Governor pursuant to G.S. 143-726(b)(2) and (3)
10 shall expire December 31, 2013; the member appointed by the Governor pursuant to G.S. 143-
11 726(b)(7) shall expire December 31, 2014; and the members appointed by the President Pro
12 Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 143-
13 726(c) shall expire December 31, 2015."
14

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ☒ FAILED _____ TABLED _____



* S 8 5 1 - A T P - 2 - V - 2 *

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

S

D

**SENATE BILL 851*
PROPOSED COMMITTEE SUBSTITUTE S851-CSLG-36 [v.18]**

6/4/2012 6:09:16 PM

Short Title: Boards & Commissions Efficiency Act of 2012.

(Public)

Sponsors:

Referred to:

May 22, 2012

A BILL TO BE ENTITLED

**AN ACT TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT BY ABOLISHING
CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES,
REORGANIZING THE MEMBERSHIP OF SOME STATE BOARDS, COMMISSIONS,
AND COMMITTEES, AND MAKING CONFORMING CHANGES, AS
RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.**

Whereas, it is the intent of the North Carolina General Assembly to ensure wise expenditures of taxpayer dollars and increase efficiency in governmental services; and

Whereas, legislative findings indicate more than 500 boards and commissions containing more than 5,000 members were authorized by statute and by Executive Order as of January 2011; and

Whereas, additional findings suggest the average cost to the State is almost \$800 per member per year; and

Whereas, the steady proliferation of executive boards and commissions has done little to improve the functioning of government or the services provided to citizens at substantial costs to the taxpayer; and

Whereas, it is the intent of the General Assembly to both eliminate and diminish membership of certain boards and commissions in order to eliminate financial waste and provide more efficient and effective services to the citizens of North Carolina; Now, therefore, The General Assembly of North Carolina enacts:

**PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS
THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED
CRITICAL**

GOVERNOR'S ADVISORY COUNCIL ON AGING

SECTION 1.1. G.S. 143B-138.1(b)(2) and Part 14 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-180 and G.S. 143B-181, are repealed.

NORTH CAROLINA AGRICULTURAL HALL OF FAME BOARD OF DIRECTORS

SECTION 1.2.(a) G.S. 106-568.14 and G.S. 106-568.15 are repealed.

SECTION 1.2.(b) G.S. 106-568.16 reads as rewritten:

"§ 106-568.16. Admission of candidates to Hall of Fame.



* S 8 5 1 - C S L G - 3 6 - V - 1 8 *

1 The ~~said board~~ Board of Agriculture is hereby empowered to formulate rules and regulations
2 governing acceptance and admission of candidates to ~~said the~~ North Carolina Agricultural Hall
3 of Fame, provided that no name shall be accepted until an authentic and written record of
4 achievements of said person in agricultural activities shall have been presented to and accepted
5 by a majority vote of said board created by this Article, and provided that both men and women
6 are eligible for recognition."

7 SECTION 1.2.(c) G.S. 106-568.17 reads as rewritten:

8 "§ 106-568.17. Acceptance of gifts, devises, and awards; display thereof.

9 The ~~said board~~ Board of Agriculture is hereby empowered to accept and receive gifts,
10 devises, and awards which are to become the sole property of ~~said the~~ North Carolina
11 Agricultural Hall of Fame and are to be kept in a proper manner in a suitable room or hall in
12 some state-owned building in Raleigh, provided that duplicates of ~~such~~ gifts, devises, and
13 awards may be displayed in a suitable room or hall in the School of Agriculture of the North
14 Carolina State College of Agriculture and Engineering at Raleigh, North Carolina."

15 AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION

16 SECTION 1.3. Article 19 of Chapter 120 of the General Statutes, G.S. 120-150
17 through G.S. 120-154, and G.S. 143-318.14A(a)(15) are repealed.

19 AMERICA'S FOUR HUNDREDTH ANNIVERSARY COMMISSION

20 SECTION 1.4.(a) Part 13 of Article 2 of Chapter 143B of the General Statutes,
21 G.S. 143B-85 and G.S. 143B-86, and G.S. 143B-51(b)(15) are repealed.

22 SECTION 1.4.(b) G.S. 143B-53 reads as rewritten:

23 "§ 143B-53. Organization of the Department.

24 The Department of Cultural Resources shall be organized initially to include the Art
25 Commission, the Art Museum Building Commission, the North Carolina Historical
26 Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission,
27 the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the
28 American Revolution Bicentennial Committee, the North Carolina Awards Committee, ~~the~~
29 ~~America's Four Hundredth Anniversary Committee~~, the North Carolina Arts Council, the
30 Public Librarian Certification Commission, the State Library Commission, the North Carolina
31 Symphony Society, Inc., the North Carolina State Art Society, and the Division of the State
32 Library, the Division of Archives and History, the Division of the Arts, and such other
33 divisions as may be established under the provisions of the Executive Organization Act of
34 1973."

36 COMMISSION OF ANATOMY

37 SECTION 1.5.(a) Part 1 of Article 1B of Chapter 130A of the General Statutes,
38 except G.S. 130A-33.22, is repealed.

39 SECTION 1.5.(b) G.S. 130A-29 reads as rewritten:

40 "§ 130A-29. Commission for Public Health – Creation, powers and duties.

41 (a) The Commission for Public Health is created with the authority and duty to adopt
42 rules to protect and promote the public health.

43 (b) The Commission is authorized to adopt rules necessary to implement the public
44 health programs administered by the Department as provided in this Chapter.

45 (c) The Commission shall adopt rules:

- 46 ...
47
48 (11) Pertaining to the distribution of dead human bodies and parts thereof for the
49 purpose of promoting the study of anatomy in the State of North Carolina.
50 The Commission, is authorized to receive dead bodies pursuant to
51 G.S. 130A-412.13 and to be a donee of a body or parts thereof pursuant to

Part 3A of Article 16 of Chapter 130A of the General Statutes known as the Revised Uniform Anatomical Gift Act and to distribute such bodies or parts thereof pursuant to the rules adopted by the Commission.

(d) The Commission is authorized to create:

- (1) Metropolitan water districts as provided in G.S. 162A-33;
- (2) Sanitary districts as provided in Part 2 of Article 2 of this Chapter; and
- (3) Mosquito control districts as provided in Part 2 of Article 12 of this Chapter.

(e) Rules adopted by the Commission shall be enforced by the Department."

SECTION 1.5.(c) G.S. 130A-33.32 is recodified as G.S. 130A-33.1 and reads as rewritten:

"§ 130A-33.1. Commission of ~~Anatomy~~for Public Health – Reference to former Board of Anatomy in testamentary disposition.

A testamentary disposition of a body or part thereof to the former Board of Anatomy shall be deemed in all respects to be a disposition to the Commission of ~~Anatomy~~for Public Health."

SECTION 1.5.(d) G.S. 130A-398 reads as rewritten:

"§ 130A-398. Limitation on right to perform autopsy.

The right to perform an autopsy shall be limited to those cases in which:

- ...
- (2) The Commission of ~~Anatomy~~for Public Health, acting pursuant to G.S. 130A-415, has given written consent for an autopsy to be performed on an unclaimed body;

...."

SECTION 1.5.(e) G.S. 130A-412.13 reads as rewritten:

"§ 130A-412.13. Persons that may receive anatomical gift; purpose of anatomical gift.

(a) An anatomical gift may be made to the following persons named in the document of gift:

- (1) A hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person, including the Commission of ~~Anatomy~~for Public Health, for research or education;
- (2) Subject to subsection (b) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the body part;
- (3) An eye bank or tissue bank.

...."

SECTION 1.5.(f) G.S. 130A-415 reads as rewritten:

"§ 130A-415. Unclaimed bodies; bodies claimed by the Lifeguardianship Council of the Association for Retarded Citizens of North Carolina; disposition.

(a) Any person, including officers, employees and agents of the State or of any unit of local government in the State, undertakers doing business within the State, hospitals, nursing homes or other institutions, having physical possession of a dead body shall make reasonable efforts to contact relatives of the deceased or other persons who may wish to claim the body for final disposition. If the body remains unclaimed for final disposition for 10 days, the person having possession shall notify the Commission of ~~Anatomy~~for Public Health. Upon request of the Commission of ~~Anatomy~~for Public Health, the person having possession shall deliver the dead body to the Commission of ~~Anatomy~~for Public Health at a time and place specified by the Commission of ~~Anatomy~~for Public Health or shall permit the Commission of ~~Anatomy~~for Public Health to take and remove the body.

(b) All dead bodies not claimed for final disposition within 10 days of the decedent's death may be received and delivered by the Commission of ~~Anatomy~~for Public Health pursuant to the authority contained in ~~G.S. 130A-33.30~~G.S. 130A-29 and this Part and in accordance with the rules of the Commission of ~~Anatomy~~for Public Health. Upon receipt of a body by the

1 Commission of ~~Anatomy for Public Health~~ all interests in and rights to the unclaimed dead body
2 shall vest in the Commission of ~~Anatomy for Public Health~~. The recipient to which the
3 Commission of ~~Anatomy for Public Health~~ delivers the body shall pay all expenses for the
4 embalming and delivery of the body, and for the reasonable expenses arising from efforts to
5 notify relatives or others.

6 (b1) The 10-day period referenced in subsections (a) and (b) of this section may be
7 shortened by the county director of social services upon determination that a dead body will not
8 be claimed for final disposition within the 10-day period.

9 (c) Should the Commission of ~~Anatomy for Public Health~~ decline to receive a dead
10 body, the person with possession shall inform the director of social services of the county in
11 which the body is located. The director of social services of that county shall arrange for
12 prompt final disposition of the body, either by cremation or burial. Reasonable costs of
13 disposition and of efforts made to notify relatives and others shall be considered funeral
14 expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-8. If those
15 expenses cannot be satisfied from the decedent's estate, they shall be borne by the decedent's
16 county of residence. If the deceased is not a resident of this State, or if the county of residence
17 is unknown, those expenses shall be borne by the county in which the death occurred.

18 (d) No autopsy shall be performed on an unclaimed body without the written consent of
19 the Commission of ~~Anatomy for Public Health~~ except that written consent is not required for an
20 autopsy performed pursuant to Part 2 of this Article.

21 (e) Due caution shall be taken to shield the unclaimed body from public view.

22 (f) Notwithstanding anything contained in this section, an unclaimed body shall not
23 mean a dead body for which the deceased has made a gift pursuant to Part 3A of this Article.

24 (g) Nothing in this Part shall require the officers, employees or agents of a county to
25 notify the Commission of ~~Anatomy for Public Health~~ regarding the bodies of minors who were
26 in the custody of the county at the time of death and whose final disposition will be arranged by
27 the county. In the absence of notification, the expenses of the final disposition shall be a charge
28 upon the county having custody.

29 (h) The provisions of this Part shall not apply to bodies within the jurisdiction of the
30 medical examiner under G.S. 130A-383 or 130A-384.

31 (i) In addition to the other duties of the Commission of ~~Anatomy for Public Health~~,
32 when the Commission of ~~Anatomy for Public Health~~ is notified by the Lifeguardianship Council
33 of the Association of Retarded Citizens of North Carolina, Inc., that the Council intends to
34 claim a body, the Commission shall release the body to the Council. The Lifeguardianship
35 Council shall notify the Commission of ~~Anatomy for Public Health~~ within 24 hours after death
36 of its intent to claim a body for burial or other humane and caring disposition."

37 SECTION 1.5.(g) G.S. 130A-416 reads as rewritten:

38 "§ 130A-416. Commission of ~~Anatomy for Public Health~~ rules.

39 The Commission of ~~Anatomy for Public Health~~ is authorized to adopt rules necessary to
40 implement the provisions of this Part."

41 SECTION 1.5.(h) G.S. 130A-418 reads as rewritten:

42 "§ 130A-418. Deceased migrant agricultural workers and their dependents.

43 ...
44 (b) If the identity of the person cannot be determined within a reasonable period of
45 time, or if the body is unclaimed 10 days after death, the body shall be offered to the
46 Commission of ~~Anatomy for Public Health~~ and, upon its request, shall be delivered to the
47 Commission of ~~Anatomy for Public Health~~. If the Commission of ~~Anatomy for Public Health~~
48 does not request an unclaimed body offered it or the estate, and if the relatives or other
49 interested persons claiming the body are unable to provide for the final disposition of the
50 migrant agricultural worker or dependent, the Department is authorized and directed to arrange
51 for the final disposition of the decedent.

...."

SECTION 1.5.(i) G.S. 143B-138.1 reads as rewritten:

"§ 143B-138.1. Department of Health and Human Services – functions and organization.

....

(d) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Environment, Health, and Natural Resources are transferred to and vested in the Department of Health and Human Services by a Type II transfer, as defined in G.S. 143A-6:

(1) Commission for Public Health.

(2) Council on Sickle Cell Syndrome.

(3) Repealed by Session Laws 2011-266, s. 1.30(b), effective July 1, 2011.

~~(4) Commission of Anatomy.~~

(5) Minority Health Advisory Council.

(6) Advisory Committee on Cancer Coordination and Control.

...."

NORTH CAROLINA APPRENTICESHIP COUNCIL

SECTION 1.6.(a) Chapter 94 of the General Statutes reads as rewritten:

"Chapter 94.

"Apprenticeship.

"§ 94-1. Purpose.

The purposes of this Chapter are: to open to young people the opportunity to obtain training that will equip them for profitable employment and citizenship; to set up, as a means to this end, a program of voluntary apprenticeship under approved apprentice agreements providing facilities for their training and guidance in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education; to promote employment opportunities for young people under conditions providing adequate training and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an Apprenticeship Council and apprenticeship committees and sponsors to assist in effectuating the purposes of this Chapter; to provide for a Director of Apprenticeship within the Department of Labor; to provide for reports to the legislature and to the public regarding the status of apprentice training in the State; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends.

~~"§ 94-2. Apprenticeship Council.~~

~~The Commissioner of Labor shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively and three representatives from the public at large. One State official designated by the Department of Public Instruction and one State official designated by the Department of Community Colleges shall be a member ex officio of said council, without vote. The terms of office of the members of the Apprenticeship Council first appointed by the Commissioner of Labor shall expire as designated by the Commissioner at the time of making the appointment: two representatives each of employers and employees, being appointed for one year and one representative of the public at large being appointed for two years; and one representative each of employers, employees, and the public at large being appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the Council not otherwise compensated by public moneys, shall be reimbursed for transportation and shall receive such per diem compensation as is provided generally for boards and commissions under the biennial maintenance appropriation acts for each day spent in attendance at meetings of the Apprenticeship Council. The Commissioner of Labor shall annually appoint one member of the Council to act as its chairman.~~

~~The Apprenticeship Council shall meet at the call of the Commissioner of Labor and shall aid him in formulating policies for the effective administration of this Chapter. Subject to the approval of the Commissioner, the Apprenticeship Council shall establish standards for apprentice agreement which in no case shall be lower than those prescribed by this Chapter, shall issue such rules and regulations as may be necessary to carry out the intent and purposes of said Chapter, and shall perform such other functions as the Commissioner may direct. Not less than once a year the Apprenticeship Council shall make a report through the Commissioner of Labor of its activities and findings to the legislature and to the public.~~

"§ 94-3. Director of Apprenticeship.

~~The Commissioner of Labor is hereby directed to appoint a Director of Apprenticeship which appointment shall be subject to the confirmation of the State Apprenticeship Council by a majority vote.~~ Apprenticeship. The Commissioner of Labor is further authorized to appoint and employ such clerical, technical, and professional help as shall be necessary to effectuate the purposes of this Chapter.

"§ 94-4. Powers and duties of Director of Apprenticeship.

~~The Director, under the supervision of the Commissioner of Labor and with the advice and guidance of the Apprenticeship Council is authorized to administer the provisions of this Chapter; in cooperation with the Apprenticeship Council and apprenticeship committees and sponsors, to set up conditions and training standards for apprentice agreements, which conditions or standards shall in no case be lower than those prescribed by this Chapter; to act as secretary of the Apprenticeship Council; to approve for the Council if in his opinion approval is for the best interest of the apprenticeship any apprentice agreement which meets the standards established under this Chapter; to terminate or cancel any apprentice agreement in accordance with the provisions of such agreement; to keep a record of apprentice agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as are necessary to carry out the intent of this Chapter, including other on-job training necessary for emergency and critical civilian production: Provided, that the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of State and local boards responsible for vocational education."~~

"§ 94-5. Apprenticeship committees and program sponsors.

(a) As used in this Chapter:

(5) "Apprenticeship committee" means those persons designated by the sponsor, and approved by the ~~Apprenticeship Council,~~ Commissioner of Labor to act for it in the administration of the apprenticeship program. A committee may be "joint," i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be "unilateral" or "nonjoint" which shall mean a program sponsor in which employees or a bona fide collective bargaining agent is not a party.

(b) An apprenticeship committee may be appointed by the ~~Apprenticeship Council~~ Commissioner of Labor in any trade or group of trades in a city or trade area, whenever the apprentice training needs of such trade or group of trades justifies such establishment.

"§ 94-6. Definition of an apprentice.

The term "apprentice," as used herein, shall mean a person at least 16 years of age who is covered by a written apprenticeship agreement approved by the ~~Apprenticeship~~

Council, Commissioner of Labor, which apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous employment for such person for his participation in an approved schedule of work experience and for organized, related supplemental instruction in technical subjects related to the trade. A minimum of 144 hours of related supplemental instruction for each year of apprenticeship is recommended. The required hours for apprenticeship agreements and the recommended hours for related supplemental instruction may be decreased or increased in accordance with standards adopted by the apprenticeship committee or sponsor, subject to approval of the Commissioner of Labor.

"§ 94-7. Contents of agreement.

Every apprentice agreement entered into under this Chapter shall contain:

- ...
- (8) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally ~~in accordance with G.S. 94-5~~ shall be submitted to the Director for determination.

...."

SECTION 1.6.(b) G.S. 143A-71 is repealed.

NORTH CAROLINA ART SOCIETY, INC.

SECTION 1.7.(a) Effective October 1, 2012, G.S. 105-275(41) is repealed.

SECTION 1.7.(b) Effective October 1, 2012, G.S. 135-27 reads as rewritten:

"§ 135-27. Transfers from State to certain association service.

...

(d) The governing board of any association or organization listed in subsection (a), in its discretion, may elect on or before July 1, 1983, by an appropriate resolution of said board, to cause the employees of such association or organization so employed prior to July 1, 1983, to become members of the Teachers' and State Employees' Retirement System. Such Retirement System coverage shall be conditioned on such association's or organization's paying all of the employer's contributions or matching funds from funds of the association or organization and on such board's collecting from its employees the employees' contributions at such rates as may be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive coverage of the employees of any such association or organization may also be effected to the extent that such board requests; provided, the association or organization shall pay all of the employer's contributions or matching funds necessary for such purposes; and, provided further, such association or organization shall collect from its employees all employees' contributions necessary for such purpose, computed at such rates and in such amount as the Board of Trustees of the Retirement System shall determine, all of such funds to be paid to the Retirement System, together with such interest as may be due, and placed in the appropriate funds. The provisions of this subsection shall be fully applicable to the North Carolina Symphony Society, Inc. ~~and the North Carolina State Art Society, Inc.~~

...."

SECTION 1.7.(c) Effective October 1, 2012, Article 3 of Chapter 140 of the General Statutes, G.S. 143B-51(7), and Part 15 of Article 2 of Chapter 143B of the General Statutes are repealed.

SECTION 1.7.(d) Effective October 1, 2012, G.S. 143B-53, as amended by Section 1.4(c) of this act, reads as rewritten:

"§ 143B-53. Organization of the Department.

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the

American Revolution Bicentennial Committee, the North Carolina Awards Committee, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., ~~the North Carolina State Art Society,~~ and the Division of the State Library, the Division of Archives and History, the Division of the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

CONSUMER AND ADVOCACY ADVISORY COMMITTEE FOR THE BLIND

SECTION 1.8.(a) Part 9 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-163 and G.S. 143B-164, and G.S. 143B-131.1(b)(5) are repealed.

SECTION 1.8.(b) G.S. 143B-157 reads as rewritten:

"§ 143B-157. Commission for the Blind – creation, powers and duties.

There is recreated the Commission for the Blind of the Department of Health and Human Services with the power and duty to adopt rules governing the conduct of the State's rehabilitative programs for the blind that are necessary to carry out the provisions and purposes of this Article.

(3h) The Commission shall make a continuing study of the entire range of problems and needs of the blind and visually impaired population of this State and make specific recommendations to the Secretary of Health and Human Services as to how these may be solved or alleviated through legislative action. The Commission shall examine national trends and programs of other states, as well as programs and priorities in North Carolina. Because of the cost of treating persons who lose their vision, the Commission's duties shall also include studying and making recommendations to the Secretary of Health and Human Services concerning methods of preventing blindness and restoring vision;

(3i) The Commission shall advise all State boards, commissions, agencies, divisions, departments, schools, corporations, or other State-administered associations or entities, including the secretary, director, and members of said boards, commissions, agencies, divisions, departments, and schools, on the needs of the citizens of the State of North Carolina who are now or will become visually impaired;

(3j) The Commission shall also advise every State board, commission, agency, division, department, school, corporation, or other State-administered associations or entities concerning sight conservation programs that it supervises, administers, or controls;

...."

BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE

SECTION 1.9. Sections 3 and 4 of S.L. 2003-404 are repealed.

NORTH CAROLINA CAPITAL PLANNING COMMISSION

SECTION 1.10. Part 3 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-373 and G.S. 143-143B-374, is repealed.

NORTH CAROLINA CENTER FOR NURSING

SECTION 1.11.(a) G.S. 90-171.71 reads as rewritten:

"§ 90-171.71. North Carolina Center for Nursing; governing board. Nursing.

(a) ~~The North Carolina Center for Nursing shall be governed by a policy setting board of directors. The Board shall consist of 16 members, with a simple majority of the Board being~~

nurses representative of various practice areas. Other members shall include representatives of other health care professions, business and industry, health care providers, and consumers. The Board shall be appointed as follows:

- (1) Four members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, at least one of whom shall be a registered nurse and at least one other a representative of the hospital industry;
 - (2) Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, at least one of whom shall be a registered nurse and at least one other a representative of the long term care industry;
 - (3) Four members appointed by the Governor, two of whom shall be registered nurses; and
 - (4) Four nurse educators, one of whom shall be appointed by the Board of Governors of The University of North Carolina, one other by the State Board of Community Colleges, one other by the North Carolina Association of Independent Colleges and Universities, and one by the Area Health Education Centers Program.
- (b) The initial terms of the members shall be as follows:
- (1) Of the members appointed pursuant to subdivision (1) of subsection (a) of this section, two shall be appointed for terms expiring June 30, 1994, one for a term expiring June 30, 1993, and one for a term expiring June 30, 1992;
 - (2) Of the members appointed pursuant to subdivision (2) of subsection (a) of this section, one shall be appointed for a term expiring June 30, 1994, two for terms expiring June 30, 1993, and one for a term expiring June 30, 1992;
 - (3) Of the members appointed pursuant to subdivision (3) of subsection (a) of this section, one shall be appointed for a term expiring June 30, 1994, one for a term expiring June 30, 1993, and two for terms expiring June 30, 1992; and
 - (4) Of the members appointed pursuant to subdivision (4) of subsection (a) of this section, the terms of the members appointed by the Board of Governors of The University of North Carolina and the State Board of Community Colleges shall expire June 30, 1994; the term of the member appointed by the North Carolina Association of Independent Colleges shall expire June 30, 1993; and the term of the member appointed by the Area Health Education Centers Program shall expire June 30, 1992.

After the initial appointments expire, the terms of all of the members shall be three years, with no member serving more than two consecutive terms.

(c) The Board of Directors shall have the following powers and duties:

- (1) To employ the executive director;
- (2) To determine operational policy;
- (3) To elect a chairperson and officers, to serve two year terms. The chairperson and officers may not succeed themselves;
- (4) To establish committees of the Board as needed;
- (5) To appoint a multidisciplinary advisory council for input and advice on policy matters;
- (6) To implement the major functions of the Center for Nursing as established in the goals set out in subsection (a) of this section; and
- (7) To seek and accept non State funds for carrying out Center policy.

(d) The Board shall receive the per diem and allowances prescribed by G.S. 138-5 for State boards and commissions.

1 (e) The North Carolina Center for Nursing shall be administered by The University of
2 North Carolina through the Center's Board of Directors established under this
3 section. ~~Carolina.~~"

4 SECTION 1.11.(b) G.S. 126-5 reads as rewritten:

5 "§ 126-5. Employees subject to Chapter; exemptions.

6 ...
7 (c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this
8 Chapter shall not apply to:

9 ...
10 (16) ~~The executive director and one associate director of the North Carolina~~
11 ~~Center for Nursing established under Article 9F of Chapter 90 of the General~~
12 ~~Statutes.~~

13"

14 15 NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL

16 SECTION 1.12.(a) G.S. 143B-432(c)(1), G.S. 143B-433(2)b., and Part 2A of
17 Article 10 of Chapter 143B of the General Statutes, G.S. 143B-437.1 through G.S. 143B-437.3,
18 are repealed.

19 20 CONTINUING EDUCATION ADVISORY COMMITTEE

21 SECTION 1.13. G.S. 58-33-135 is repealed.

22 23 NORTH CAROLINA BOARD OF CORRECTION

24 SECTION 1.14.(a) Subpart B of Article 13 of Chapter 143B of the General
25 Statutes, G.S. 143B-715, is repealed.

26 SECTION 1.14.(b) G.S. 143B-711 reads as rewritten:

27 "§ 143B-711. Division of Adult Correction of the Department of Public Safety –
28 organization.

29 The Division of Adult Correction of the Department of Public Safety shall be organized
30 initially to include the Post-Release Supervision and Parole Commission, ~~the Board of~~
31 ~~Correction,~~ the Section of Prisons of the Division of Adult Correction, the Division of Adult
32 Probation and Parole, and such other divisions as may be established under the provisions of
33 the Executive Organization Act of 1973.

34 The Division shall establish a Substance Abuse Program. All substance abuse programs
35 established or in existence shall be administered by the Division of Adult Correction of the
36 Department of Public Safety under the Substance Abuse Program."

37 38 NORTH CAROLINA COURTS COMMISSION

39 SECTION 1.15.(a) Article 40A of Chapter 7A of the General Statutes,
40 G.S. 7A-506 through G.S. 7A-510, is repealed.

41 SECTION 1.15.(b) G.S. 15A-266.5 reads as rewritten:

42 "§ 15A-266.5. Tests to be performed on DNA sample.

43 ...
44 (d) The Department of Justice, in consultation with the Administrative Office of the
45 Courts and the Conference of District Attorneys, shall study, develop, and recommend an
46 automated procedure to facilitate the process of expunging DNA samples and records taken
47 pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on
48 Governmental Operations, and the Joint Legislative Oversight Committee on Justice and Public
49 Safety, and the Courts Commission, on or before February 1, 2011."

50 51 COMMITTEE ON DROPOUT PREVENTION

1 **SECTION 1.16.** Article 6B of Chapter 115C of the General Statutes,
2 G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.

3
4 **SECRETARY OF STATE'S ADVISORY COUNCIL ON ELECTRONIC NOTARY**
5 **STANDARDS**

6 **SECTION 1.17.** The Secretary of State shall abolish the Advisory Council on
7 Electronic Notary Standards no later than 30 days after the effective date of this act.

8
9 **EMPLOYMENT SECURITY ADVISORY COUNCILS**

10 **SECTION 1.18.** G.S. 96-4 reads as rewritten:

11 "**§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.**

12 ...
13 ~~(g) Advisory Councils. — The State Advisory Council shall be composed of the~~
14 ~~Assistant Secretary and 15 persons representing employers, employees, and the general public,~~
15 ~~to be appointed as follows:~~

16 ~~(1) Five members appointed by the Governor.~~

17 ~~(2) Five members appointed by the President Pro Tempore of the Senate.~~

18 ~~(3) Five members appointed by the Speaker of the House of Representatives.~~

19 ~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory~~
20 ~~Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair.~~
21 ~~A quorum of the State Advisory Council shall consist of the chairman, or such appointed~~
22 ~~member as he may designate, plus one half of the total appointed members. The function of the~~
23 ~~Council shall be to aid the Division in formulating policies and discussing problems related to~~
24 ~~the administration of this Chapter. Each member of the State Advisory Council attending~~
25 ~~meetings of the Council shall be paid the same amount per diem for his or her services as is~~
26 ~~provided for the members of other State boards, commissions, and committees who receive~~
27 ~~compensation for their services, including necessary time spent in traveling to and from his~~
28 ~~place of residence within the State to the place of meeting while engaged in the discharge of the~~
29 ~~duties of his office, and his actual mileage and subsistence at the same rate allowed to State~~
30 ~~officials.~~

31 (h) Employment Stabilization. — The Secretary of Commerce, in consultation with the
32 ~~Assistant Secretary and with the advice and aid of the advisory councils,~~ Secretary, shall take all
33 appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption
34 of practical methods of vocational training, retraining and vocational guidance; to investigate,
35 recommend, advise, and assist in the establishment and operation, by municipalities, counties,
36 school districts, and the State, of reserves for public works to be used in times of business
37 depression and unemployment; to promote the reemployment of unemployed workers
38 throughout the State in every other way that may be feasible; and to these ends to carry on and
39 publish the results of investigations and research studies.

40 "

41
42 **NORTH CAROLINA FARMWORKER COUNCIL**

43 **SECTION 1.19.** Part 26 of Article 9 of Chapter 143B of the General Statutes,
44 G.S. 143B-426.25 and G.S. 143B-426.26, is repealed.

45
46 **NORTH CAROLINA HOUSING COORDINATION AND POLICY COUNCIL**

47 **SECTION 1.20.(a)** G.S. 122A-5.10 through G.S. 122A-5.12 are repealed.

48 **SECTION 1.20.(b)** G.S. 122E-4 reads as rewritten:

49 "**§ 122E-4. North Carolina Housing Partnership created; compensation; organization.**

50 ...

51 (f) The Partnership shall have the following powers and duties:

- (1) To promulgate rules and regulations governing all policy matters relating to the implementation of all programs for uses of the Fund and the Partnership's oversight of the Agency's administration of the Fund.
 - (2) To promote the development of a coordinated State low income housing plan.
 - (2a) To advise the Governor regarding the coordination of various public and private low-and moderate-income housing programs;
 - (2b) To advise the Governor in the preparation of an overall, comprehensive State housing plan with specific recommendations to address identified areas of need.
 - (2c) To advise the Governor with respect to the best use of housing resources.
 - (3) To obtain necessary information from other State agencies concerning ~~housing; and~~ housing.
 - (4) To allocate monies contained in the Fund.
- ..."

GOVERNOR'S MANAGEMENT COUNCIL

SECTION 1.21. Part 24 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.22, is repealed.

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 1.22.(a) Article 25A of Chapter 120 of the General Statutes, G.S. 120-226, is repealed.

SECTION 1.22.(b) G.S. 90-113.64 reads as rewritten:

"§ 90-113.64. SBI annual report.

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the ~~Legislative Commission on Methamphetamine Abuse~~ Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

SECTION 1.22.(c) G.S. 114-19.01 reads as rewritten:

"§ 114-19.01. Study and report on use of pseudoephedrine products to make methamphetamine.

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, ~~the Legislative Commission on Methamphetamine Abuse, and the Joint Governmental Operations Subcommittee on Joint Legislative Oversight Committee on Justice and Public Safety.~~

MINE SAFETY AND HEALTH ADVISORY COUNCIL

SECTION 1.23.(a) G.S. 74-24.2(2) and G.S. 74-24.6 are repealed.

SECTION 1.23.(b) G.S. 74-24.4 reads as rewritten:

"§ 74-24.4. Safety and health standards.

(a) The Commissioner shall develop, adopt, revise, and promulgate safety and health standards for the purpose of the protection of life, the promotion of safety and health, and the prevention of "accidents" in mines which are subject to this Article. In the development of safety and health standards, the Commissioner shall consult with ~~the Advisory Council~~, interested federal agencies, appropriate representatives of other State agencies, appropriate representatives of mine operators and miners, and other interested persons and organizations whose participation would further the purposes of this Article.

..."

MOTOR VEHICLE DEALER'S ADVISORY BOARD

SECTION 1.24.(a) G.S. 20-305.4 is repealed.

SECTION 1.24.(b) G.S. 20-305.5 reads as rewritten:

"§ 20-305.5. Sections 20-305, subdivisions (4) through (28), and 20-305.1 to ~~20-305.4~~20-305.3 not applicable to certain manufacturers and dealers.

The provisions of G.S. 20-305(4) through G.S. 20-305(28) and 20-305.1 to ~~20-305.4~~20-305.3 shall not apply to manufacturers of, or dealers in, mobile or manufactured type housing or recreational trailers."

MOUNTAIN AREA RESOURCES TECHNICAL ADVISORY COUNCIL

SECTION 1.25. G.S. 153B-4 is repealed.

MOUNTAIN RESOURCES COMMISSION

SECTION 1.26. G.S. 153B-1 through G.S. 153B-3 are repealed.

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

SECTION 1.27.(a) G.S. 143B-426.8 reads as rewritten:

"§ 143B-426.8. Definitions.

As used in this Part, except where the context clearly requires otherwise:

...
(2) "Board" means the Board of Public Telecommunications Commissioners.

..."

SECTION 1.27.(b) G.S. 143B-426.9 reads as rewritten:

"§ 143B-426.9. North Carolina Agency for Public Telecommunications—~~Creation; membership; appointments, terms and vacancies; officers; meetings and quorum; compensation.~~Telecommunications.

The North Carolina Agency for Public Telecommunications is created. It is governed by the Board of Public Telecommunications Commissioners, composed of 26 members as follows:

- (1) A Chairman appointed by, and serving at the pleasure of, the Governor;
- (2) Ten at-large members, appointed by the Governor from the general public;
- (3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;
- (4) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;
- (5) The Secretary of Administration, ex officio;
- (6) The Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;
- (7) The Chairman of the State Board of Education, ex officio;

- 1 (8) ~~The Chairman of the OPEN/net Committee, ex officio, so long as such~~
2 ~~person is not a State employee;~~
3 (9) ~~The Chairman of the North Carolina Utilities Commission, ex officio;~~
4 (10) ~~The Director of the Public Staff of the North Carolina Utilities Commission,~~
5 ~~ex officio;~~
6 (11) ~~Repealed by Session Laws 2011-266, s. 1.13(b), effective July 1, 2011.~~
7 (12) ~~The Superintendent of Public Instruction, ex officio;~~
8 (13) ~~The President of the University of North Carolina, ex officio;~~
9 (14) ~~The President of the Community Colleges System, ex officio; and~~
10 (15) ~~Two members ex officio who shall rotate from among the remaining heads~~
11 ~~of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by~~
12 ~~the Governor.~~

13 ~~The 10 at large members shall serve for terms staggered as follows: four terms shall expire~~
14 ~~on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on~~
15 ~~June 30, 1984. Thereafter, the members at large shall be appointed for full four year terms and~~
16 ~~until their successors are appointed and qualified. In making appointments of members at large,~~
17 ~~the Governor shall seek to appoint persons from the various geographic areas of the State~~
18 ~~including both urban and rural areas; persons from various classifications as to sex, race, age,~~
19 ~~and handicapped persons; and persons who are representatives of the public broadcast,~~
20 ~~commercial broadcast, nonbroadcast distributive systems and private education communities of~~
21 ~~the State.~~

22 ~~The terms of the ex officio members are coterminous with their respective terms of office.~~
23 ~~In the event that any of the offices represented on the Board ceases to exist, the successor~~
24 ~~officer to the designated member shall become an ex officio member of the Board; if there shall~~
25 ~~be no successor, then the position on the Board shall be filled by a member to be appointed by~~
26 ~~the Governor from the general public. The ex officio members shall have the right to vote.~~

27 ~~The initial members appointed to the Board by the General Assembly shall serve for terms~~
28 ~~expiring June 30, 1983. Thereafter, their successors shall serve for two year terms beginning~~
29 ~~July 1 of odd-numbered years.~~

30 ~~The terms of the rotating ex officio members shall be of one year duration, and the schedule~~
31 ~~of rotation is determined by the Governor.~~

32 ~~Each State official who serves on the Board may designate a representative of his~~
33 ~~department, agency or institution to sit in his place on the Board and to exercise fully the~~
34 ~~official's privileges of membership.~~

35 ~~The Secretary of Administration or his designee serves as secretary of the Board.~~

36 ~~Vacancies in appointments made by the General Assembly shall be filled in accordance~~
37 ~~with G.S. 120-122. Other vacancies shall be filled in the same manner as the original~~
38 ~~appointment.~~

39 ~~The Governor may remove any member of the Board from office in accordance with the~~
40 ~~provisions of G.S. 143B-16.~~

41 ~~The Board meets quarterly and at other times at the call of the chairman or upon written~~
42 ~~request of at least six members.~~

43 ~~A majority of the Board members shall constitute a quorum for the transaction of business."~~

44 SECTION 1.27.(c) G.S. 143B-426.11 reads as rewritten:

45 "§ 143B-426.11. Powers of Agency.

46 In order to enable it to carry out the purposes of this Part, the Agency:

- 47 ...
- 48 (3) May rent, lease, buy, own, acquire, mortgage, or otherwise encumber and
- 49 dispose of such property, real or personal; and construct, maintain, equip and
- 50 operate any facilities, buildings, studios, equipment, materials, supplies and

1 systems as said Board may deem proper to carry out the purposes and
2 provisions of this Part;

- 3 (4) May establish an office for the transaction of its business at such place or
4 places as the Board deems advisable or necessary in carrying out the
5 purposes of this Part;

- 6 ...
7 (7) Under such conditions as the Board may deem appropriate to the
8 accomplishment of the purposes of this Part, may distribute in the form of
9 grants, gifts, or loans any of the revenues and earnings received by the
10 Agency from its operations;

- 11 (8) May adopt, alter or repeal its own bylaws, rules and regulations governing
12 the manner in which its business may be transacted and in which the power
13 granted to it may be exercised, and may provide for the creation of such
14 divisions and for the appointment of such committees, and the functions
15 thereof, as the Board deems necessary or expedient in facilitating the
16 business and purposes of the Agency;

- 17 (9) ~~The Board shall be responsible for all management functions of the Agency.~~
18 ~~The chairman shall serve as the chief executive officer, and shall have the~~
19 ~~responsibility of executing the policies of the Board. The Executive Director~~
20 ~~shall be the chief operating and administrative officer and shall be~~
21 ~~responsible for carrying out the decisions made by the Board and its~~
22 ~~chairman. The Executive Director shall be appointed by the Governor upon~~
23 ~~the recommendation of the Board and shall serve at the pleasure of the~~
24 ~~Governor. The salary of the Executive Director shall be fixed by the General~~
25 ~~Assembly in the Current Operations Appropriations Act. Subject to the~~
26 ~~provisions of the State Personnel Act and with the approval of the Board, the~~
27 ~~Executive Director may appoint, employ, dismiss and fix the compensation~~
28 ~~of such professional, administrative, clerical and other employees as the~~
29 ~~Board deems necessary to carry out the purposes of this Part; but any~~
30 ~~employee who serves as the director of any division of the Agency which~~
31 ~~may be established by the Board shall be appointed with the additional~~
32 ~~approval of the Secretary of Administration. There shall be an executive~~
33 ~~committee consisting of three of the appointed members and three of the ex~~
34 ~~officio members elected by the Board and the chairman of the Board, who~~
35 ~~shall serve as chairman of the executive committee. The executive~~
36 ~~committee may do all acts which are authorized by the bylaws of the~~
37 ~~Agency. Members of the executive committee shall serve until their~~
38 ~~successors are elected;~~

39"

40 SECTION 1.27.(d) G.S. 120-123(4) is repealed.

41
42 **BOARD OF DIRECTORS CERTIFICATION ENTITY FOR PHASE II SETTLEMENT**
43 **FUND CERTIFICATION BOARD**

44 SECTION 1.28. Board of Directors Certification Entity for Phase II Settlement
45 Fund Certification Board, established pursuant to S.L. 1999-333, is abolished.

46
47 **NORTH CAROLINA SMALL BUSINESS CONTRACTOR AUTHORITY**

48 SECTION 1.29.(a) G.S. 143B-472.102 is repealed.

49 SECTION 1.29.(b) G.S. 143B-472.101 reads as rewritten:

50 "§ 143B-472.101. Definitions.

51 The following definitions apply in this Part:

(1) ~~Authority. — The North Carolina Small Business Contractor Authority created in this Part.~~

(3a) Department. — The Department of Commerce.

...."

SECTION 1.29.(c) G.S. 143B-472.103 reads as rewritten:

"§ 143B-472.103. Eligibility.

To qualify for assistance under this Part, an applicant must meet all of the following requirements:

(4) The applicant must demonstrate to the satisfaction of the ~~Authority~~Department that it has been unable to obtain adequate financing or bonding on reasonable terms through an authorized company. If the applicant is applying for a guarantee of a loan, the applicant must have applied for and been denied a loan by a financial institution."

SECTION 1.29.(d) G.S. 143B-472.104 reads as written:

"§ 143B-472.104. Small Business Contract Financing Fund.

(a) Creation and Use. — The Small Business Contract Financing Fund is created as a special revenue fund. Revenue in the Fund does not revert at the end of a fiscal year, and interest and other investment income earned by the Fund accrues to the Fund. The ~~Authority~~Department shall use the Fund to make direct loans and guaranty payments required by defaults and to pay the portion of the administrative expenses of the ~~Authority~~Department related to making these loans and payments.

(b) Content. — The Small Business Contract Financing Fund consists of all of the following revenue:

- (1) Funds appropriated to the Fund by the State.
- (2) Repayments of principal of and interest on direct loans.
- (3) Premiums, fees, and any other amounts received by the ~~Authority~~Department with respect to financial assistance provided by the ~~Authority~~Department.
- (4) Proceeds designated by the ~~Authority~~Department from the sale, lease, or other disposition of property or contracts held or acquired by the ~~Authority~~Department.
- (5) Investment income of the Fund.
- (6) Any other moneys made available to the Fund."

SECTION 1.29.(e) G.S. 143B-472.105 reads as rewritten:

"§ 143B-472.105. Contract performance assistance authorized.

(a) Type. — The ~~Authority~~Department is authorized to provide the following contract performance assistance:

- (1) A guarantee of a loan made to the applicant.
- (2) If the applicant demonstrates to the satisfaction of the ~~Authority~~Department that it is unable to obtain money from any other source, a loan to the applicant.

(b) Qualification. — The ~~Authority~~Department shall not lend money to an applicant or guarantee a loan unless all of the following requirements are met:

- (1) The applicant meets the requirements of G.S. 143B-472.78.
- (2) The loan is to be used to perform an identified contract, of which the majority of funding is provided by a government agency or a combination of government agencies.
- (3) The loan is to be used for working capital or equipment needed to perform the contract, the cost of which can be repaid from contract proceeds, if the

1 ~~Authority~~Department has entered into an agreement with the applicant
2 necessary to secure the loan or guaranty.

3 (c) Terms and Conditions. – The ~~Authority~~Department shall set the terms and
4 conditions for loans and for the guarantee of loans. When the ~~Authority~~Department lends
5 money from the Small Business Contract Financing Fund, it shall prepare loan documents that
6 include all of the following:

- 7 (1) The rate of interest on the loan, which shall not exceed any applicable
8 statutory limit for a loan of the same type.
9 (2) A payment schedule that provides money to the applicant in the amounts and
10 at the times that the applicant needs the money to perform the contract for
11 which the loan is made.
12 (3) A requirement that, before each advance of money is released to the
13 applicant, the applicant and the ~~Authority~~Department must cosign the
14 request for the money.
15 (4) Provisions for repayment of the loan.
16 (5) Any other provision the ~~Authority~~Department considers necessary to secure
17 the loan, including an assignment of, or a lien on, payment under the
18 contract, if allowable.

19 (d) Maturity. – A loan made by the ~~Authority~~Department shall mature not later than the
20 date the applicant is to receive full payment under the identified contract, unless the
21 ~~Authority~~Department determines that a later maturity date is required to fulfill the purposes of
22 this Part.

23 (e) Diversity. – In selecting applicants for assistance, the ~~Authority~~Department must
24 consider the need to serve all geographic and political areas and subdivisions of the State.

25 (f) Limitation. – The total amount of loan guarantees and loans issued to each recipient
26 during a fiscal year shall not exceed fifteen percent (15%) of the amount of money in the Fund
27 as of the beginning of that fiscal year."
28

29 **JOINT LEGISLATIVE COMMISSION ON THE DEPARTMENT OF**
30 **TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND**
31 **WOMEN-OWNED BUSINESSES PROGRAM**

32 **SECTION 1.30.** Article 32 of Chapter 120 of the General Statutes, G.S. 120-275
33 through G.S. 120-279, is repealed.
34

35 **NORTH CAROLINA BRAIN INJURY ADVISORY COUNCIL**

36 **SECTION 1.31.** Effective June 30, 2015, Part 33 of Article 3 of Chapter 143B of
37 the General Statutes, G.S. 143B-216.65 and G.S. 143B-216.66, is repealed.
38

39 **NORTH CAROLINA CHILD FATALITY TASK FORCE**

40 **SECTION 1.32.(a)** G.S. 7B-1402, 7B-1403, and 7B-1412 are repealed.

41 **SECTION 1.32.(b)** G.S. 7B-1401 reads as rewritten:

42 **"§ 7B-1401. Definitions.**

43 The following definitions apply in this Article:

- 44 (1) Additional Child Fatality. – Any death of a child that did not result from
45 suspected abuse or neglect and about which no report of abuse or neglect
46 had been made to the county department of social services within the
47 previous 12 months.
48 (2) Local Team. – A Community Child Protection Team or a Child Fatality
49 Prevention Team.
50 (3) State Team. – The North Carolina Child Fatality Prevention Team.
51 (4) ~~Task Force. – The North Carolina Child Fatality Task Force.~~

(5) Team Coordinator. – The Child Fatality Prevention Team Coordinator."

SECTION 1.32.(c) G.S. 7B-1404 reads as rewritten:

"§ 7B-1404. State Team – creation; membership; vacancies.

(a) There is created the North Carolina Child Fatality Prevention Team within the Department of Health and Human Services for budgetary purposes only.

(b) The State Team shall be composed of the following 11 members of whom nine members are ex officio and two are appointed:

(1) The Chief Medical Examiner, who shall chair the State Team;

(2) The Attorney General;

(3) The Director of the Division of Social Services, Department of Health and Human Services;

(4) The Director of the State Bureau of Investigation;

(5) The Director of the Division of Maternal and Child Health of the Department of Health and Human Services;

(6) The Superintendent of Public Instruction;

(7) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services;

(8) The Director of the Administrative Office of the Courts;

(9) ~~The A pediatrician appointed pursuant to G.S. 7B-1402(b) to the Task Force; by the Governor;~~

(10) A public member, appointed by the Governor; and

(11) The Team Coordinator.

The ex officio members other than the Chief Medical Examiner may designate a representative from their departments, divisions, or offices to represent them on the State Team.

(c) All members of the State Team are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment."

SECTION 1.32.(d) G.S. 7B-1405 reads as rewritten:

"§ 7B-1405. State Team – duties.

The State Team shall:

(1) Review current deaths of children when those deaths are attributed to child abuse or neglect or when the decedent was reported as an abused or neglected juvenile pursuant to G.S. 7B-301 at any time before death;

(2) ~~Report to the Task Force during the existence of the Task Force, in the format and at the time required by the Task Force, Department of Health and Human Services~~ on the State Team's activities and its recommendations for changes to any law, rule, and policy that would promote the safety and well-being of children;

(3) Upon request of a Local Team, provide technical assistance to the Team;

(4) Periodically assess the operations of the multidisciplinary child fatality prevention system and make recommendations for changes as needed;

(5) Work with the Team Coordinator to develop guidelines for selecting child deaths to receive detailed, multidisciplinary death reviews by Local Teams that review cases of additional child fatalities; and

(6) Receive reports of findings and recommendations from Local Teams that review cases of additional child fatalities and work with the Team Coordinator to implement recommendations."

SECTION 1.32.(e) G.S. 7B-1413 reads as rewritten:

"§ 7B-1413. Access to records.

(a) ~~The State Team, Team and the Local Teams, and the Task Force during its existence, Teams~~ shall have access to all medical records, hospital records, and records maintained by this State, any county, or any local agency as necessary to carry out the purposes

of this Article, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. The State ~~Team, the Task Force, Team~~ and the Local Teams shall not, as part of the reviews authorized under this Article, contact, question, or interview the child, the parent of the child, or any other family member of the child whose record is being reviewed. Any member of a Local Team may share, only in an official meeting of that Local Team, any information available to that member that the Local Team needs to carry out its duties.

...
(c) All otherwise confidential information and records acquired by the State ~~Team, Team and the Local Teams, and the Task Force during its existence, Teams~~ in the exercise of their duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the State ~~Team, Team and the Local Teams, and the Task Force, Teams~~. In addition, all otherwise confidential information and records created by a Local Team in the exercise of its duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the Local Team. No member of the State Team, a Local Team, nor any person who attends a meeting of the State Team or a Local Team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meetings. This subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.

...."

SECTION 1.32.(e) G.S. 7B-1414 reads as rewritten:

"§ 7B-1414. Administration; funding.

(a) To the extent of funds available, the ~~chairs of the Task Force and State Team~~ may hire staff or consultants to assist the ~~Task Force and the State Team~~ in completing their duties.

(b) Members, staff, and consultants of the ~~Task Force or State Team~~ shall receive travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the case may be, paid from funds appropriated to implement this Article and within the limits of those funds.

(c) ~~With the approval of the Legislative Services Commission, legislative staff and space in the Legislative Building and the Legislative Office Building may be made available to the Task Force."~~

SECTION 1.32.(f) G.S. 7B-2902 reads as rewritten:

"§ 7B-2902. Disclosure in child fatality or near fatality cases.

(a) The following definitions apply in this section:

...
(2) Findings and information. – A written summary, as allowed by subsections (c) through (f) of this section, of actions taken or services rendered by a public agency following receipt of information that a child might be in need of protection. The written summary shall include any of the following information the agency is able to provide:

- a. The dates, outcomes, and results of any actions taken or services rendered.
- b. The results of any review by the State Child Fatality Prevention Team, a local child fatality prevention team, a local community child protection team, the ~~Child Fatality Task Force~~, or any public agency.
- c. Confirmation of the receipt of all reports, accepted or not accepted by the county department of social services, for investigation of suspected child abuse, neglect, or maltreatment, including confirmation that investigations were conducted, the results of the

investigations, a description of the conduct of the most recent investigation and the services rendered, and a statement of basis for the department's decision.

...
(f) Access to criminal investigative reports and criminal intelligence information of public law enforcement agencies and confidential information in the possession of the State Child Fatality Prevention Team, and the local teams, and the Child Fatality Task Force, teams shall be governed by G.S. 132-1.4 and G.S. 7B-1413 respectively. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

SECTION 1.32.(g) This section becomes effective June 30, 2015.

JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE

SECTION 1.33. Effective June 30, 2015, Part 32 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.60, is repealed.

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

SECTION 1.34. For the following State boards, committees, and commissions where statutory requirements have been met, these bodies are no longer authorized to meet, provide recommendations, or operate in any capacity:

- (1) Legislative Task Force on Childhood Obesity, established pursuant to Part XLIX of S.L. 2009-574, as amended by Section 26 of S.L. 2010-152.
- (2) Commission to Study the Governance and Adequacy of the Investment Authority of Various State-Owned Funds for the Purposes of Enhancing the Return on Investments, established pursuant to Part XLVII of S.L. 2009-574, as amended by Section 23 of S.L. 2010-152.
- (3) "More at Four" Pre-K Task Force, established pursuant to Section 10.40(b) of S.L. 2003-284, as amended by Section 10.38 of S.L. 2004-124.
- (4) National Heritage Area Designation Commission, established pursuant to Part 18 of S.L. 2001-491.
- (5) Pilot Accreditation Advisory Board, established pursuant to Section 10.28B of S.L. 2004-124.
- (6) Public Funding Council of State Elections Commission, established pursuant to Section 26 of S.L. 2010-169.
- (7) Legislative Commission on Global Climate Change, established pursuant to Section 11 of S.L. 2005-442, as amended by S.L. 2006-73, S.L. 2008-81, and S.L. 2009-306.

SECTION 1.35. Except as otherwise provided, this Part becomes effective June 30, 2012.

PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS

SUBPART A. ADVISORY BOARDS

NORTH CAROLINA ARTS COUNCIL

SECTION 2.1. Effective July 1, 2012, G.S. 143B-88 reads as rewritten:

"§ 143B-88. North Carolina Arts Council – members; selection; quorum; compensation.

(a) Membership and terms. – The North Carolina Arts Council shall consist of 24-12 members appointed by the Governor. The initial members of the Council shall ~~be the appointed~~

members of the present Arts Council who shall serve for a period equal to the remainder of their current terms on the Arts Council, ~~eight of whose~~ consist of four whose terms expire ~~June 30, 1973, eight~~ June 30, 2014, four of whose terms expire June 30, 1974, June 30, 2015, and eight ~~four~~ of whose terms expire ~~June 30, 1975~~ June 30, 2016. At the end of the respective terms of office of the initial members, the appointments of their successors shall be for terms of three years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

(b) Removal. — The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

(c) Chair. — ~~The Governor~~ Council shall designate a member of the Council as ~~chairman to serve at his pleasure~~ chair.

(d) Compensation. — Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(e) Quorum. — A majority of the Council shall constitute a quorum for the transaction of business.

(f) Staff. — All clerical and other services required by the Council shall be supplied by the Secretary of Cultural Resources."

COASTAL RESOURCES ADVISORY COUNCIL

SECTION 2.2. Effective July 1, 2012, G.S. 113A-105 reads as rewritten:

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

...
(b) Membership. — The Coastal Resources Advisory Council shall consist of not more than ~~45-26~~ members appointed or designated as follows:

(1) ~~Two individuals~~ Three members designated by the Secretary from among the employees of the ~~Department~~ Department, consisting of one each from the Division of Marine Fisheries, the Division of Water Quality, and the Wildlife Resources Commission;

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

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

~~(3) The Secretary of Transportation or person designated by the Secretary of Transportation; and one additional member selected by the Secretary of Transportation from the Department of Transportation;~~

~~(4) The State Health Director or the person designated by the State Health Director;~~

~~(5) The Commissioner of Agriculture or person designated by the Commissioner of Agriculture;~~

~~(6) The Secretary of Cultural Resources or person designated by the Secretary of Cultural Resources;~~

~~(7) One member from each of the four multi-county planning districts of the coastal area to be appointed by the lead regional agency of each district;~~

~~(8) One representative from each of the 20 counties in the coastal area to be designated—nominated—by the respective boards of county commissioners; commissioners and chosen by the Commission;~~

~~(9) No more than eight additional members representative of cities in the coastal area and to be designated by the Commission;~~

- 1 (10) ~~Three members selected by the Commission who are marine scientists or~~
2 ~~technologists;~~
3 (11) ~~One member who is a local health director selected by the Commission upon~~
4 ~~the recommendation of the Secretary.~~
5 (12) Three members representing local government, consisting of one each from
6 the southern, central, and northern regions of the State.
7 (b1) Terms. – Members shall serve staggered four-year terms.
8 ...
9 (e) ~~Chairman~~ Chair and ~~Vice Chairman~~ Vice-Chair. – A ~~chairman~~ chair and
10 ~~vice chairman~~ vice-chair shall be elected annually by the Council.
11 "

12 **SECTION 2.2.(b)** To achieve staggered terms, the initial terms of the members
13 appointed pursuant to subdivision (b)(8) representing Brunswick, Carteret, Currituck, Dare,
14 Hyde, New Hanover, Onslow, Pamlico, and Pender Counties and the three members appointed
15 pursuant to subdivision (b)(12) terms shall expire June 30, 2014. The initial terms for all other
16 members shall expire on June 30, 2016. Subsequent terms for all members shall be four years.

18 **NORTH CAROLINA COUNCIL FOR THE DEAF AND HARD OF HEARING**

19 **SECTION 2.3.** Effective July 1, 2012, G.S. 143B-216.32 reads as rewritten:

20 "**§ 143B-216.32. Council for the Deaf and the Hard of Hearing – membership; quorum;**
21 **compensation.**

22 (a) The Council for the Deaf and the Hard of Hearing shall consist of ~~28 members.~~
23 ~~Twenty members shall be 19~~ members appointed by the Governor. Three members appointed
24 by the Governor shall be persons who are deaf and three members shall be persons who are
25 hard of hearing. One appointment shall be an educator who trains deaf education ~~teachers~~
26 ~~and teachers, one appointment shall be a deaf education teacher, one appointment shall be a~~
27 licensed physician whose primary specialty is providing treatment to patients that are deaf or
28 hard of hearing, and one appointment shall be an audiologist licensed under Article 22 of
29 Chapter 90 of the General Statutes. Three appointments shall be parents of deaf or hard of
30 hearing children including one parent of a student in a residential school; one parent of a
31 student in a preschool program; and one parent of a student in a mainstream education program,
32 with at least one parent coming from each region of the North Carolina schools for the deaf
33 regions. One member appointed by the Governor shall be recommended by the President of the
34 North Carolina Association of the Deaf; one member shall be recommended by the President of
35 the North Carolina Deaf-Blind Associates; one member shall be recommended by the North
36 Carolina Chapter of Self Help for the Hard of Hearing (SHHH); one member shall be
37 recommended by the North Carolina Black Deaf Advocates (NCBDA); ~~one member shall be a~~
38 ~~representative from a facility that performs cochlear implants; one member shall be~~
39 recommended by the President of the North Carolina Pediatric Society; and one member shall
40 be recommended by the President of the North Carolina Registry of Interpreters for the Deaf;
41 ~~one member shall be recommended by a local education agency; and one member shall be~~
42 ~~recommended by the Superintendent of Public Instruction. Two members shall be appointed~~
43 ~~from the House of Representatives by the Speaker of the House of Representatives and two~~
44 ~~members shall be appointed from the Senate by the President Pro Tempore of the Senate. The~~
45 ~~Secretary of Health and Human Services shall appoint four members as follows: one from the~~
46 ~~Division of Vocational Rehabilitation, one from the Division of Aging, one from the Division~~
47 ~~of Mental Health, Developmental Disabilities, and Substance Abuse Services, and one from the~~
48 ~~Division of Social Services.~~ Deaf.

49 (b) The terms of the initial members of the Council shall commence July 1, 1989. In his
50 initial appointments, the Governor shall designate four members who shall serve terms of five
51 years, four who shall serve terms of four years, four who shall serve terms of three years, and

three who shall serve terms of two years. After the initial appointees' terms have expired, all members shall be appointed for a term of four years. No member shall serve more than two successive terms unless the member is an employee of the Department of Health and Human Services or the Department of Public Instruction representing his or her agency as a specialist in the field of service.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

(c) ~~The chairman-chair~~ of the Council shall be designated by ~~the Secretary of the Department of Health and Human Services~~ from the Council members. ~~The chairman-chair~~ shall hold this office for not more than four years.

...."

NORTH CAROLINA ECONOMIC DEVELOPMENT BOARD

SECTION 2.4. Effective July 1, 2012, G.S. 143B-434 reads as rewritten:

"§ 143B-434. Economic Development Board – creation, duties, membership.

...

(b) Membership. – The Economic Development Board shall consist of ~~39~~22 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. ~~The Secretary of Revenue shall serve as an ex officio, nonvoting member. The Revenue, the~~ Secretary of the Department of Cultural Resources ~~Resources, and the Secretary of Environment and Natural Resources shall serve as an ex officio, nonvoting member.~~members. Four~~Two~~ members of the House of Representatives appointed by the Speaker of the House of Representatives, ~~four~~two members of the Senate appointed by the President Pro Tempore of the Senate, the Superintendent of Public Instruction, or designee, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining ~~23~~nine members of the Board. Effective with the terms beginning ~~July 1, 1997~~July 1, 2012, one of the Governor's appointees shall be a representative of a nonprofit organization involved in economic development and ~~two~~one of the Governor's appointees shall be county economic development representatives. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments to the Board made by the ~~Governor for terms beginning July 1, 1997~~Governor, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning ~~July 9, 1993~~July 1, 2012, should reflect the ethnic and gender diversity of the State as nearly as practical. All appointments shall be for a term of four years.

~~The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term of four years.~~

The appointing officer shall make a replacement appointment to serve for the unexpired term in the case of a vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1.

...."

NORTH CAROLINA FINANCIAL LITERACY COUNCIL**SECTION 2.5.** Effective July 1, 2012, G.S. 114-51 reads as rewritten:**"§ 114-51. Membership; terms; quorum.**

(a) The Council shall consist of ~~18~~10 members appointed by and serving at the pleasure of the Governor. The Governor shall designate a chair from among the members of the Council. Membership shall be as follows:

(1) ~~Ten~~Seven members from government agencies with responsibility for programs and services related to financial education, financial services, and related economic stability efforts. At least one representative shall come from each of the following government agencies:

- a. Community College System.
- ~~b. Department of Commerce.~~
- c. Department of Justice.
- ~~d. Department of Labor.~~
- e. Department of Public Instruction.
- f. Department of the Secretary of State.
- g. Department of State Treasurer.
- h. Office of the Commissioner of Banks.
- i. The University of North Carolina.

(2) ~~Two~~One public ~~members~~member with experience in the financial services industry.

(3) ~~Two~~One public ~~members~~member who represent employers with experience in providing financial education to their employees.

(4) ~~Four~~One public ~~members~~member with experience in consumer advocacy or nonprofit financial education.

(b) Members of the Council shall be appointed for terms of three years and shall serve until their successors are appointed and qualified.

(c) A majority of the Council's members shall constitute a quorum."

NORTH CAROLINA FORESTRY COUNCIL**SECTION 2.6.** Effective July 1, 2012, G.S. 143A-66.2 reads as rewritten:**"§ 143A-66.2. Forestry Council – members; chairperson; selection; removal; compensation; quorum.**

(a) The Forestry Advisory Council of the Department of Agriculture and Consumer Services shall consist of ~~18~~12 members appointed as follows:

(1) Three persons who are registered foresters and who represent the primary forest products industry, one each from the Mountains, Piedmont and Coastal Plain.

(2) One person who represents the secondary wood-using industry.

(3) One person who represents the logging industry.

(4) ~~Four persons who are~~One person who is a nonindustrial woodland owners owner actively involved in forest management, one of whom has agricultural interests, and at least one each from the Mountains, Piedmont, and Coastal Plain management.

(5) ~~Three persons who are members~~One person who is a member of a statewide environmental or wildlife conservation organizations organization.

(6) One consulting forester.

(7) Two persons who are forest scientists with knowledge of the functioning and management of forest ecosystems.

~~(8) One person who represents a banking institution that manages forestland.~~

(9) One person with expertise in urban forestry.

(10) One person with active experience in city and regional planning.

(b) The Governor shall appoint one person from categories ~~(1) and (5)~~, ~~two persons from category (4)~~, and ~~the persons from categories (6), (7), (8), (9), and (10)~~. (1), (6), (7), and (9). The President Pro Tempore of the Senate shall appoint ~~the one person from category (2)~~ (1) and ~~one the person each from categories (1), (2), (4), and (5)~~. The Speaker of the House of Representatives shall appoint ~~the one person from category (3)~~ (1) and ~~one the person each from categories (1), (4), and (5)~~. (3), (7), (9), and (10). The Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall consult with one another to insure that each of the three geographic regions of the State are represented in appointments made to fill ~~categories (1) and (4)~~ category (1).

(c) ~~The Governor-Council shall designate one member of the Council to serve as chairperson at the pleasure of the Governor.~~ chair.

(d) Members shall serve staggered terms of office of four years. The terms of office of members filling categories (1), (4), and (5) shall expire on 30 June of years that follow by one year those years that are evenly divisible by four. The terms of office of members filling categories (2), (3), (6), (7), ~~(8)~~, (9), and (10) shall expire on 30 June of years that follow by three years those years that are evenly divisible by four. Terms shall expire as provided by this subsection except that members of the Council shall serve until their successors are appointed and duly qualified as provided by G.S. 128-7. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term and shall be made by the appointing authority responsible for that category. ~~Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.~~

(e) The Governor shall have the power to remove, in accordance with G.S. 143B-13, any member appointed by the Governor. The General Assembly shall have the power to remove, in accordance with G.S. 143B-13, any member appointed by the General Assembly.

(f) Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(g) A majority of the Council shall constitute a quorum for the transaction of business.

(h) All clerical and other services required by the Council, including the support required to carry out studies it is requested to make, shall be supplied by the Commissioner of Agriculture."

NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL

SECTION 2.7. Effective January 1, 2013, G.S. 143-726 reads as rewritten:

"§ 143-726. Council membership; organization.

(a) Members. – The Council shall consist of up to ~~35~~ 22 members, or their designees, as set forth in this section. An appointing authority may reappoint a Council member for successive three-year terms.

(b) Governor's Appointments. – The Governor shall appoint the following members:

~~(1) The head of an at-large State agency not represented in subsection (d) of this section.~~

(2) An employee of a county government, nominated by the North Carolina Association of County Commissioners.

(3) An employee of a municipal government, nominated by the North Carolina League of Municipalities.

~~(4) An employee of the federal government who is stationed in North Carolina.~~

~~(5) A representative from the Lead Regional Organizations.~~

~~(6) A member of the general public.~~

(7) Other individuals whom the Governor deems appropriate to enhance the efforts of geographic information coordination.

~~Members appointed by the Governor shall serve three year terms. The Governor shall appoint an individual from the membership of the Council to serve as Chair of the Council. The member appointed shall serve as Chair for a term of one year.~~

(c) General Assembly Appointments. – The President Pro Tempore of the Senate and the Speaker of the House of Representatives ~~shall each appoint three members to the Council. These members shall serve one year terms~~ may each appoint one member appropriate to enhance the efforts of geographic information coordination.

(d) Other Members. – Other Council members shall ~~include~~ include the following members or their designees:

(1) The Secretary of State.

(2) The Commissioner of Agriculture.

(3) The Superintendent of Public Instruction.

(4) The Secretary of Environment and Natural Resources.

(5) The Secretary of the Department of Transportation.

(6) The Secretary of the Department of Administration.

(7) The Secretary of the Department of Commerce.

(8) The Secretary of the Department of Public Safety.

(9) The Secretary of the Department of Health and Human Services.

(10) The Secretary of the Department of Revenue.

(11) The President of the North Carolina Community Colleges System.

(12) The President of The University of North Carolina System.

(13) The Chair of the Public Utilities Commission.

(14) ~~The State Budget Officer~~ Executive Director of the North Carolina Society of Surveyors.

(15) The Executive Director of the North Carolina League of Municipalities.

(16) The Executive Director of the North Carolina Association of County Commissioners.

~~(17) One representative from the State Government GIS User Committee.~~

~~(18) One representative elected annually from the Local Government Committee established pursuant to subdivision (h)(2) of this section.~~

(19) The State Chief Information Officer who shall serve as a nonvoting member.

Council members serving ex officio pursuant to this subsection shall serve terms coinciding with their respective offices. Members serving by virtue of their appointment by a standing committee of the Council shall serve for the duration of their appointment by the standing committee.

(d1) Chair. – The Governor shall appoint an individual from the membership of the Council to serve as Chair of the Council. The member appointed shall serve as Chair for a term of one year.

...

(f) Administration. – ~~The Director of the CGI~~ The Division of Emergency Management, or his or her designee, shall be secretary of the Council and the Office of Geospatial and Technology Management, Division of Emergency Management, Department of Public Safety, shall provide staff support as it requires.

(g) Reports. – The Council shall report at least annually to the ~~Governor and Governor, to the Joint Legislative Commission on Governmental Operations~~ Governor, and the Office of Geospatial and Technology Management, Division of Emergency Management, Department of Public Safety.

...."

GOVERNOR'S CRIME COMMISSION

SECTION 2.8.(a) Effective July 1, 2012, Subpart A of Part 6 of Article 13 of Chapter 143B of the General Statutes reads as rewritten:

"Part 6. Division of Administration.

"Subpart A. Governor's North Carolina Crime Commission

"§ 143B-1100. Governor's North Carolina Crime Commission – creation; composition; terms; meetings, etc.

(a) There is hereby created the Governor's North Carolina Crime Commission of the Department of Public Safety. The Commission shall consist of ~~3823~~ voting members and six nonvoting members. The composition of the Commission shall be as follows:

(1) The voting members shall be:

- a. The Governor, the Chief Justice of the Supreme Court of North Carolina ~~(or his alternate)~~, Carolina (or the Chief Justice's designee), the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of Public Safety, ~~the Secretary of the Division of Juvenile Justice of the Department of Public Safety~~, Safety (or the Secretary's designee), and the Superintendent of Public Instruction;
- b. A judge of superior court, a judge of district court specializing in juvenile matters, a chief district court judge, a clerk of superior court, and a district attorney;
- c. A defense attorney, ~~three sheriffs (one of whom shall be one sheriff from a "high crime area"), three area, one police executives (one of whom shall be executive from a "high crime area"), eight citizens (two with knowledge of juvenile delinquency and the public school system, two of whom shall be under the age of 21 at the time of their appointment, one advocate for victims of all crimes, one representative from a domestic violence or sexual assault program, one representative of a "private juvenile delinquency program," and one in the discretion of the Governor), three area, three citizens, one county commissioners commissioner or county officials, official, and three mayors one mayor or municipal officials, official;~~
- d. Two members of the North Carolina House of Representatives and two members of the North Carolina Senate.

(2) The nonvoting members shall be the Director of the State Bureau of Investigation, the ~~Secretary of the Department of Public Safety, the Assistant Secretary of Intervention/Prevention Deputy Director of the Division of Juvenile Justice of the Department of Public Safety~~, Safety who is responsible for Intervention/Prevention programs, the Assistant Secretary of Youth Development Deputy Director of the Division of Juvenile Justice of the Department of Public Safety, Safety who is responsible for Youth Development programs, the Director-Section Chief of the Section of Prisons of the Division of Adult Correction and the Director-Section Chief of the Section of Community Corrections of the Division of Adult Correction.

(b) The membership of the Commission shall be selected as follows:

- (1) The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of Public Safety, the Director of the State Bureau of Investigation, the ~~Secretary of the Department of Public Safety, the Director-Section Chief of the Section of Prisons of the Division of~~

1 Adult Correction, the ~~Director~~ Section Chief of the Section of Community
2 Corrections of the Division of Adult Correction, the ~~Secretary of the~~
3 ~~Division of Juvenile Justice of the Department of Public Safety, the~~
4 ~~Assistant Secretary of~~ Deputy Director who is responsible for
5 Intervention/Prevention of the Division of Juvenile Justice of the
6 Department of Public Safety, the ~~Assistant Secretary of~~ Deputy Director who
7 is responsible for Youth Development of the Division of Juvenile Justice of
8 the Department of Public Safety, and the Superintendent of Public
9 Instruction. Should the Chief Justice of the Supreme Court choose not to
10 serve, his alternate shall be selected by the Governor from a list submitted by
11 the Chief Justice which list must contain no less than three nominees from
12 the membership of the Supreme Court.

13 ...
14 (c) The initial members of the Commission shall be those appointed under subsection
15 (b) above, which appointments shall be made by March 1, 1977. The terms of the present
16 members of the ~~Governor's North Carolina~~ Commission on Law and Order shall expire on
17 February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other than
18 those serving by virtue of their office, to serve staggered terms; seven shall be appointed for
19 one-year terms, seven for two-year terms, and seven for three-year terms. At the end of their
20 respective terms of office their successors shall be appointed for terms of three years and until
21 their successors are appointed and qualified. The Commission members from the House and
22 Senate shall serve two-year terms effective March 1, of each odd-numbered year; and they shall
23 not be disqualified from Commission membership because of failure to seek or attain reelection
24 to the General Assembly, but resignation or removal from office as a member of the General
25 Assembly shall constitute resignation or removal from the Commission. Any other Commission
26 member no longer serving in the office from which he qualified for appointment shall be
27 disqualified from membership on the Commission. Any appointment to fill a vacancy on the
28 Commission created by the resignation, dismissal, death, disability, or disqualification of a
29 member shall be for the balance of the unexpired term.

30 ...
31 **"§ 143B-1101. ~~Governor's North Carolina~~ Crime Commission – powers and duties.**

32 (a) The ~~Governor's North Carolina~~ Crime Commission shall have the following powers
33 and duties:

34 ...
35 (b) The ~~Governor's North Carolina~~ Crime Commission shall review the level of gang
36 activity throughout the State and assess the progress and accomplishments of the State, and of
37 local governments, in preventing the proliferation of gangs and addressing the needs of
38 juveniles who have been identified as being associated with gang activity.

39 The ~~Governor's North Carolina~~ Crime Commission shall develop recommendations
40 concerning the establishment of priorities and needed improvements with respect to gang
41 prevention to the General Assembly on or before March 1 of each year.

42 (c) All directives of the ~~Governor's North Carolina~~ Crime Commission shall be
43 administered by the Director, Crime Control Division of the Department of Public Safety.

44 **"§ 143B-1102. Adjunct committees of the ~~Governor's North Carolina~~ Crime Commission**
45 **– creation; purpose; powers and duties.**

46 (a) There are hereby created by way of extension and not limitation, the following
47 adjunct committees of the ~~Governor's North Carolina~~ Crime Commission: the Judicial Planning
48 Committee, the Juvenile Justice Planning Committee, the Law Enforcement Planning
49 Committee, the Corrections Planning Committee, and the Juvenile Code Revision Committee.

50 (b) The composition of the adjunct committees shall be as designated by the Governor
51 by executive order, except for the Judicial Planning Committee, the composition of which shall

1 be designated by the Supreme Court. The Governor's appointees shall serve two-year terms
2 beginning March 1, of each odd-numbered year, and members of the Judicial Planning
3 Committee shall serve at the pleasure of the Supreme Court.

4 (c) The adjunct committees created herein shall report directly to the ~~Governor's~~North
5 Carolina Crime Commission and shall have the following powers and duties:

- 6 (1) The Law Enforcement Planning Committee shall advise the Governor's
7 Crime Commission on all matters which are referred to it relevant to law
8 enforcement, including detention; shall participate in the development of the
9 law-enforcement component of the State's comprehensive plan; shall
10 consider and recommend priorities for the improvement of law-enforcement
11 services; and shall offer technical assistance to State and local agencies in
12 the planning and implementation of programs contemplated by the
13 comprehensive plan for the improvement of law-enforcement services.

14 The Law Enforcement Planning Committee shall maintain contact with
15 the National Commission on Accreditation for Law Enforcement Agencies,
16 assist the National Commission in the furtherance of its efforts, adapt the
17 work of the National Commission by an analysis of law-enforcement
18 agencies in North Carolina, develop standards for the accreditation of
19 law-enforcement agencies in North Carolina, make these standards available
20 to those law-enforcement agencies which desire to participate voluntarily in
21 the accreditation program, and assist participants to achieve voluntary
22 compliance with the standards.

- 23 (2) The Judicial Planning Committee (which shall be appointed by the Supreme
24 Court) shall establish court improvement priorities, define court
25 improvement programs and projects, and develop an annual judicial plan in
26 accordance with the Crime Control Act of 1976 (Public Law 94-503); shall
27 advise the ~~Governor's~~North Carolina Crime Commission on all matters
28 which are referred to it relevant to the courts; shall consider and recommend
29 priorities for the improvement of judicial services; and shall offer technical
30 assistance to State agencies in the planning and implementation of programs
31 contemplated by the comprehensive plan for the improvement of judicial
32 services.

- 33 (3) The Corrections Planning Committee shall advise the ~~Governor's~~North
34 Carolina Crime Commission on all matters which are referred to it relevant
35 to corrections; shall participate in the development of the adult corrections
36 component of the State's comprehensive plan; shall consider and recommend
37 priorities for the improvement of correction services; and shall offer
38 technical assistance to State agencies in the planning and implementation of
39 programs contemplated by the comprehensive plan for the improvement of
40 corrections.

- 41 (4) The Juvenile Justice Planning Committee shall advise the ~~Governor's~~North
42 Carolina Crime Commission on all matters which are referred to it relevant
43 to juvenile justice; shall participate in the development of the juvenile justice
44 component of the State's comprehensive plan; shall consider and recommend
45 priorities for the improvement of juvenile justice services; and shall offer
46 technical assistance to State and local agencies in the planning and
47 implementation of programs contemplated by the comprehensive plan for
48 the improvement of juvenile justice.

- 49 (5) The Juvenile Code Revision Committee shall study problems relating to
50 young people who come within the juvenile jurisdiction of the district court
51 as defined by Article 23 of Chapter 7A of the General Statutes and develop a

legislative plan which will best serve the needs of young people and protect the interests of the State; shall study the existing laws, services, agencies and commissions and recommend whether they should be continued, amended, abolished or merged; and shall take steps to insure that all agencies, organizations, and private citizens in the State of North Carolina have an opportunity to lend advice and suggestions to the development of a revised juvenile code. If practical, the Committee shall submit a preliminary report to the General Assembly prior to its adjournment in 1977. It shall make a full and complete report to the General Assembly by March 1, 1979. This adjunct committee shall terminate on February 28, 1979.

(d) The Governor shall have the power to remove any member of any adjunct committee from the Committee for misfeasance, malfeasance or nonfeasance. Each Committee shall meet at the call of the chairman or upon written request of one third of its membership. A majority of a committee shall constitute a quorum for the transaction of business.

(e) The actions and recommendations of each adjunct committee shall be subject to the final approval of the ~~Governor's~~ North Carolina Crime Commission.

"§ 143B-1103. Additional duties of the Grants Management Section.

...

(b) The Grants Management Section shall administer the State Law Enforcement Assistance Program and such additional related programs as may be established by or assigned to the Section. It shall serve as the single State planning agency for purposes of the Crime Control Act of 1976 (Public Laws 94-503). Administrative responsibilities shall include, but are not limited to, the following:

- (1) Compiling data, establishing needs and setting priorities for funding and policy recommendations for the ~~Governor's~~ North Carolina Crime Commission;
- (2) Preparing and revising statewide plans for adoption by the ~~Governor's~~ North Carolina Crime Commission which are designed to improve the administration of criminal justice and to reduce crime in North Carolina;

..."

SECTION 2.8.(b) G.S. 143B-600 reads as rewritten:

"§ 143B-600. Organization.

(a) There is established the Department of Public Safety. The head of the Department of Public Safety is the Secretary of Public Safety, who shall be known as the Secretary. The Department shall consist of six divisions and an Office of External Affairs as follows:

- ...
- (6) The Division of Administration, the head of which shall be a deputy secretary responsible for all administrative functions, including fiscal, auditing, information technology, purchasing, human resources, training, engineering, and facility management functions for the Department. Within the Division, there is established a Grants Management Section, which shall consist of the ~~Governor's~~ North Carolina Crime Commission, the Criminal Justice Partnership Program, and the Juvenile Crime Prevention Council Fund.

...."

SECTION 2.8.(c) G.S. 143B-602 reads as rewritten:

"§ 143B-602. Powers and duties of the Secretary of Public Safety.

The Secretary of Public Safety shall have the powers and duties as are conferred on the Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the Secretary by the Constitution and laws of this State. These powers and duties include the following:

1
2 (7) Reporting required prior to grant awards. – Prior to any notification of
3 proposed grant awards to State agencies for use in pursuing the objectives of
4 the ~~Governor's~~ North Carolina Crime Commission pursuant to
5 sub-subdivisions a. through g. of subdivision (8) of this section, the
6 Secretary shall report to the Senate and House of Representatives
7 Appropriations Committees for review of the proposed grant awards.
8

9

10 **SECTION 2.8.(d)** G.S. 15A-1336 reads as rewritten:

11 **"§ 15A-1336. Compliance with criminal case firearm notification requirements of the**
12 **federal Violence Against Women Act.**

13 The Administrative Office of the Courts, in cooperation with the North Carolina Coalition
14 Against Domestic Violence and the North Carolina ~~Governor's~~ Crime Commission, shall
15 develop a form to comply with the criminal case firearm notification requirements of the
16 Violence Against Women Act of 2005."

17 **SECTION 2.8.(e)** The prefatory language in G.S. 164-42.1(a) reads as rewritten:

18 **"§ 164-42.1. Policy recommendations.**

19 (a) Using the studies of the Special Committee on Prisons, the ~~Governor's~~ North
20 Carolina Crime Commission, and other analyses, including testimony from representatives of
21 the bodies that conducted the analyses, the Commission shall:"

22 NORTH CAROLINA HUMAN RELATIONS COMMISSION

23 **SECTION 2.9.** Effective July 1, 2012, G.S. 143B-392 reads as rewritten:

24 **"§ 143B-392. North Carolina Human Relations Commission – Members; selection;**
25 **quorum; compensation.**

26 (a) The Human Relations Commission of the Department of Administration shall
27 consist of ~~22~~nine members. The Governor shall appoint ~~one member from each of the 13~~
28 ~~congressional districts, plus five members at large, including the chairperson-large.~~ The
29 Speaker of the North Carolina House of Representatives shall appoint two members to the
30 Commission. The President Pro Tempore of the Senate shall appoint two members to the
31 Commission. The Chair of the Commission shall be appointed by members of the Commission.
32 ~~The terms of four of the members appointed by the Governor shall expire June 30, 1988. The~~
33 ~~terms of four of the members appointed by the Governor shall expire June 30, 1987. The terms~~
34 ~~of four of the members appointed by the Governor shall expire June 30, 1986. The terms of~~
35 ~~four of the members appointed by the Governor shall expire June 30, 1985. The terms of the~~
36 ~~members appointed by the Speaker of the North Carolina House of Representatives shall expire~~
37 ~~June 30, 1986. The terms of the members appointed by the Lieutenant Governor shall expire~~
38 ~~June 30, 1986. The initial term of office of the person appointed to represent the 12th~~
39 ~~Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. At the~~
40 ~~end of the respective terms of office of the initial members of the Commission, the~~The
41 appointment of their successors shall be for terms of four years. No member of the commission
42 shall serve more than two consecutive terms. A member having served two consecutive terms
43 shall be eligible for reappointment one year after the expiration of his second term. Any
44 appointment to fill a vacancy on the Commission created by the resignation, dismissal, death,
45 or disability of a member shall be filled in the manner of the original appointment for the
46 unexpired term.

47

48 NORTH CAROLINA INTERNSHIP COUNCIL

49 **SECTION 2.10.** Effective July 1, 2012, G.S. 143B-418 reads as rewritten:
50

1 "§ 143B-418. North Carolina Internship Council – members; selection; quorum;
2 compensation; clerical, etc., services.

3 The North Carolina Internship Council shall consist of ~~17~~13 members, including the
4 Secretary of Administration or his designee, one member to be designated by and to serve at
5 the pleasure of the President Pro Tempore of the Senate, one member to be designated by and
6 to serve at the pleasure of the Speaker of the House of Representatives and the following ~~14~~10
7 members to be appointed by the Governor to a two-year term commencing on July 1 of
8 odd-numbered years: two representatives of community colleges; ~~four~~two representatives of
9 The University of North Carolina system; ~~two~~one representative of private
10 colleges or universities; three representatives of colleges or universities with an enrollment of
11 less than 5,000 students; and ~~three~~two former interns.

12 At the end of the respective terms of office of the ~~14~~10 members of the Council appointed
13 by the Governor, the appointment of their successors shall be for terms of two years and until
14 their successors are appointed and qualify. The Governor may remove any member appointed
15 by the Governor.

16 Any appointment to fill a vacancy on the Council created by the resignation, dismissal,
17 death, or disability of a member shall be for the balance of the unexpired term.

18 The Council shall meet at the call of the ~~chairman~~chair or upon written request of at least
19 five members.

20 The Governor shall designate a member of the Council as ~~chairman~~chair to serve at the
21 pleasure of the Governor.

22 Members of the Council shall receive per diem and necessary travel and subsistence
23 expenses in accordance with the provisions of G.S. 138-5.

24 A majority of the Council shall constitute a quorum for the transaction of business.

25 All clerical and other services required by the Council shall be supplied by the Secretary of
26 Administration."

27 28 STATE LIBRARY COMMISSION

29 SECTION 2.11. Effective July 1, 2012, G.S. 143B-91 reads as rewritten:

30 "§ 143B-91. State Library Commission – members; selection; quorum; compensation.

31 (a) The State Library Commission shall consist of ~~15~~12 members. All members shall
32 have an interest in the development of library and information services in North Carolina.
33 ~~Eight~~Four members shall be appointed by the Governor. One member shall be appointed by the
34 President Pro Tempore of the Senate. One member shall be appointed by the Speaker of the
35 North Carolina House of Representatives. Three members shall be appointed by the North
36 Carolina Public Library Directors Association. Two members shall be the President and the
37 President-elect of the North Carolina Library Association or two appointees as determined by
38 the North Carolina Library Association's Board of Directors. The State Librarian shall be an ex
39 officio member and act as secretary to the Commission.

40 All appointments shall be for four-year terms with ~~eight~~six of the commissioners taking
41 office on the first four-year cycle and ~~seven~~five commissioners taking office on the second
42 four-year cycle. Any appointment to fill a vacancy in one of the positions appointed by the
43 Governor, President Pro Tempore or Speaker of the House of Representatives shall be for the
44 remainder of the unexpired term. Appointees shall not serve more than two successive
45 four-year terms.

46 The Governor shall choose a ~~chairperson~~chair from among the gubernatorial appointees.
47 The ~~chairperson~~chair shall serve not more than two successive two-year terms as chair.

48 Members of the Commission shall receive per diem and necessary travel and subsistence
49 expenses as provided in G.S. 138-5.

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

1 All clerical and other services required by the Commission shall be supplied by the
2 Secretary of Cultural Resources.

3 The Commission shall meet at least twice a year.

4"

6 LOCAL HEALTH DEPARTMENT ACCREDITATION BOARD

7 SECTION 2.12. Effective July 1, 2012, G.S. 130A-34.1 reads as rewritten:

8 "§ 130A-34.1. Accreditation of local health departments; board established.

9 (a) The Local Health Department Accreditation Board is established within the North
10 Carolina Institute for Public Health. The Board shall be composed of 17 ~~nine~~ members
11 appointed by the Secretary of the Department of Health and Human Services as follows:

12 (1) ~~Four~~ Two shall be county commissioners recommended by the North
13 Carolina Association of County Commissioners, and ~~four~~ two shall be
14 members of a local board of health as recommended by the Association of
15 North Carolina Boards of Health.

16 (2) ~~Three~~ Two local health directors.

17 (3) ~~Three~~ Two staff members from the Division of Public Health, Department of
18 Health and Human Services.

19 (4) Repealed by Session Laws 2011-145, s. 13.3(zz), effective July 1, 2011.

20 (5) ~~Three~~ One at large.

21"

23 MARINE FISHERIES COMMISSION ADVISORY COMMITTEES.

24 SECTION 2.13.(a) Effective July 1, 2012, G.S. 143B-289.57 reads as rewritten:

25 "§ 143B-289.57. Marine Fisheries Commission Advisory Committees established;
26 members; selection; duties.

27 ...
28 (b) The Chair of the Commission shall appoint the following standing advisory
29 committees:

30 (1) The Finfish Committee, which shall consider matters concerning finfish.

31 ~~(2) The Crustacean Committee, which shall consider matters concerning shrimp
32 and crabs.~~

33 ~~(3) The Shellfish Committee, which shall consider matters concerning oysters,
34 clams, scallops, and other molluscan shellfish.~~

35 (3a) The Shellfish/Crustacean Advisory Committee, which shall consider matters
36 concerning oysters, clams, scallops, other molluscan shellfish, shrimp, and
37 crabs.

38 (4) The Habitat and Water Quality Committee, which shall consider matters
39 concerning habitat and water quality that may affect coastal fisheries
40 resources.

41 ...
42 (e) The Chair of the Commission shall appoint a ~~regional advisory committee for each
43 of the three coastal regions designated in G.S. 143B-289.54(b) and shall appoint a regional
44 advisory committee for that part of the State that is not included in the three coastal regions.~~
45 Northern Advisory Committee, encompassing areas from the Virginia line south through Hyde
46 and Pamlico Counties and any counties to the west, and a Southern Advisory Committee,
47 encompassing areas from Carteret County south to the South Carolina line and any counties to
48 the west. In making appointments to regional advisory committees, the Chair of the
49 Commission shall ensure that both commercial and recreational fishing interests are fairly
50 represented."

51 SECTION 2.13.(b) G.S. 113-200 reads as rewritten:

"§ 113-200. Fishery Resource Grant Program.

...
(e1) Grants Committee. – The Grants Committee shall consist of eleven members as follows:

- (1) Three employees of the Sea Grant College Program, appointed by the Director of the Sea Grant College Program.
- (2) Two employees of the Division of Marine Fisheries, appointed by the Fisheries Director.
- (3) Two members of the Marine Fisheries Commission, appointed by the Chair of the Marine Fisheries Commission.
- (4) ~~One member~~Two members of the ~~Northeast-Northern~~ Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Northeast-Northern~~ Regional Advisory Committee.
- ~~(5) One member of the Central Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Central Regional Advisory Committee.~~
- (6) ~~One member~~Two members of the ~~Southeast-Southern~~ Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Southeast-Southern~~ Regional Advisory Committee.
- ~~(7) One member of the Inland Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional Advisory Committee.~~

..."

SECTION 2.13.(c) The terms of the members currently serving on the Crustacean, Shellfish, and the four regional advisory committees (Northeast, Southeast, Central, and Inland) shall expire on June 30, 2012. Effective July 1, 2012, the Chair of the Marine Fisheries Advisory Commission shall appoint no more than 11 members to the Northern Advisory Committee and the Southern Advisory Committee, established pursuant to subsection (e) of G.S. 143B-289.57, as amended by this section.

NORTH CAROLINA ADVISORY COMMISSION ON MILITARY AFFAIRS

SECTION 2.14. Effective July 1, 2012, G.S. 127C-2 reads as rewritten:

"§ 127C-2. Membership.

(a) The North Carolina Advisory Commission on Military Affairs shall consist of ~~24-15~~ voting members, who shall serve on the Executive Committee, and 17 nonvoting, ex officio members who shall serve by reason of their positions.

(b) The Executive Committee shall be appointed as follows:

- (1) ~~Three-Five~~ members appointed by the Speaker of the House of Representatives, ~~one of whom shall be a member of a recognized veterans' organization, consisting of:~~
 - a. One representative from the Jacksonville community.
 - b. One representative from the Havelock community.
 - c. One representative from the Goldsboro community.
 - d. One representative from the Fayetteville community.
 - e. One public member who is a member of a recognized veterans' organization.
- (2) ~~Three-Five~~ members appointed by the President Pro Tempore of the Senate, ~~one of whom shall be a member of a recognized veterans' organization, consisting of:~~
 - a. One representative from the Jacksonville community.
 - b. One representative from the Havelock community.

- c. One representative from the Goldsboro community.
d. One representative from the Fayetteville community.
e. One public member who is a member of a recognized veterans' organization.
- (3) ~~Fifteen~~ Five members appointed by the Governor, consisting of:
- a. ~~Three representatives~~ One representative from the Jacksonville community.
b. ~~Three representatives~~ One representative from the Havelock community.
c. ~~Three representatives~~ One representative from the Goldsboro community.
d. ~~Three representatives~~ One representative from the Fayetteville community.
e. ~~Three~~ One public members from across the State member who is a veteran.

...."

MINORITY HEALTH ADVISORY COUNCIL

SECTION 2.15. Effective July 1, 2012, G.S. 130A-33.44 reads as rewritten:

"§ 130A-33.44. Minority Health Advisory Council – members; selection; quorum; compensation.

(a) The Minority Health Advisory Council in the Department shall consist of ~~15~~ nine members to be appointed as follows:

- (1) ~~Five~~ Three members shall be appointed by the Governor. Members appointed by the Governor shall be representatives of the following: health care providers, public health, health related public and private agencies and organizations, community-based organizations, and human services agencies and organizations.
- (2) ~~Five~~ Three members shall be appointed by the Speaker of the House of Representatives, ~~two~~ one of whom shall be ~~members~~ a member of the House of Representatives, and at least one of whom shall be a public member. The remainder of the Speaker's appointees shall be representative of any of the entities named in subdivision (1) of this subsection.
- (3) ~~Five~~ Three members shall be appointed by the President Pro Tempore of the Senate, ~~two~~ one of whom shall be ~~members~~ a member of the Senate, ~~and at least one of whom shall be a public member. The remainder of the President Pro Tempore's appointees~~ member, and one of whom shall be representative of any of the entities named in subdivision (1) of this subsection.

...."

NORTH CAROLINA MUSEUM OF ART BOARD OF TRUSTEES

SECTION 2.16.(a) Effective October 1, 2012, G.S. 140-5.13 reads as rewritten:

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

(b) The Board of Trustees of the North Carolina Museum of Art shall consist of ~~29~~ 18 members, chosen as follows:

- (1) The Governor shall appoint ~~13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);~~ six members;
- (2) ~~The North Carolina State Art Society, Incorporated, shall elect four members;~~

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;

(4) The Board of Trustees of the North Carolina Museum of Art shall elect four members;

(5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections ~~except those by the General Assembly~~ shall be for terms of ~~six~~ four years, except that each member shall serve until his successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of ~~six~~ four years. ~~All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years.~~

...."

SECTION 2.16.(b) The terms of the members currently serving on the Board of Trustees of the North Carolina Museum of Art shall expire September 30, 2012. Members appointed to the Board pursuant to G.S. 140-5.13, as amended by subsection (a) of this section, shall begin serving their terms on October 1, 2012. To achieve staggered terms, the terms of the members appointed by the General Assembly shall expire August 31, 2014. Subsequent terms of General Assembly appointments shall be for four years.

NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY

SECTION 2.17. Effective July 1, 2012, G.S. 143B-472.81 reads as rewritten:

"§ 143B-472.81. North Carolina Board of Science and Technology; membership; organization; compensation; staff services.

(a) The North Carolina Board of Science and Technology consists of the Governor, the Secretary of Commerce, and ~~17-13~~ members appointed as follows: the Governor shall appoint one member from the University of North Carolina at Chapel Hill, one member from North Carolina State University at Raleigh, and ~~two members~~ one member from other components of the University of North Carolina, all nominated by the President of the University of North Carolina; one member from Duke University, nominated by the President of Duke University; one member from a private college or university, other than Duke University, in North Carolina, nominated by the President of the Association of Private Colleges and Universities; one member from the Research Triangle Institute, nominated by the executive committee of the board of that institute; one member from the Microelectronics Center of North Carolina, nominated by the executive committee of the board of that center; one member from the North Carolina Biotechnology Center, nominated by the executive committee of the board of that center; ~~four members~~ one member from private industry in North Carolina, ~~at least one of whom shall be a professional engineer registered pursuant to Chapter 89C of the General Statutes or a person who holds at least a bachelors degree in engineering from an accredited college or university; and two members from public agencies in North Carolina.~~ Two members from private industry in North Carolina shall be appointed by the General Assembly, one shall be appointed upon the recommendation of the President Pro Tempore of the Senate, and one shall be appointed upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. The nominating authority for any vacancy on the Board among members appointed by the Governor shall submit to the Governor two nominations for each position to be filled, and the persons so nominated shall represent different disciplines.

(b) Members appointed to the Board by the General Assembly shall serve for two-year terms beginning 1 July of odd-numbered years. Vacancies in appointments made by the

General Assembly shall be filled in accordance with G.S. 120-122. ~~The two members from public agencies shall serve for terms expiring at the end of the term of the Governor appointing them. The other 13~~nine members appointed to the Board by the Governor shall serve for ~~four-year~~three-year terms, and until their successors are appointed and qualified. Of those ~~13~~nine members, ~~six~~five shall serve for terms that expire on 30 June of years that ~~follow by one year~~ those years that are evenly divisible by ~~four~~three, and ~~seven~~four shall serve for terms that expire on 30 June of years that ~~follow by three years~~ precede by one year those years that are evenly divisible by ~~four~~three. Any appointment to fill a vacancy on the Board created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

(c) The Governor or the Governor's designee shall serve as chair of the Board. The vice-chair and the secretary of the Board shall be designated by the Governor or the Governor's designee from among the members of the Board.

...."

STATE YOUTH ADVISORY COUNCIL

SECTION 2.18. Effective July 1, 2012, G.S. 143B-386 reads as rewritten:

"§ 143B-386. State Youth Advisory Council – members; selection; quorum; compensation.

The State Youth Advisory Council of the Department of Administration shall consist of ~~20~~10 members. The composition and appointment of the Council shall be as follows:

~~Ten~~Five youths to be elected by the procedure adopted by the Youth Advisory Council, which shall include a requirement that ~~four~~two of the members represent youth organizations; and ~~10~~five adults to be appointed by the Governor at least ~~four~~two of whom shall be individuals working on youth programs through youth organizations. Provided that no person shall serve on the Board for more than two complete consecutive terms.

~~The initial members of the Council shall be the appointed members of the Youth Advisory Board who shall serve for a period equal to the remainder of their current terms on the Youth Advisory Board. The current terms of the youth members expire July 1, 1976, the current terms of four of the adult members expire April 7, 1976, and the remaining four adult members' terms expire May 1, 1978. At the end of the respective terms of office of the initial members of the Council, the appointment of their successors shall be as follows:~~

(1) ~~Eight youth members to serve for terms beginning on July 1, 1976, and expiring on June 30, 1977, and two additional youth members to serve for terms beginning on July 1, 1977, and expiring on June 30, 1978. At the end of the terms of office of these youth members of the Council, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify.~~

(2) ~~Four adult members to serve for terms beginning on April 8, 1976, and expiring on June 30, 1979; four adult members to serve for terms beginning on May 1, 1978, and expiring on June 30, 1980; one additional adult member to serve for a term beginning July 1, 1977, and expiring June 30, 1978; and one additional adult member to serve for a term beginning July 1, 1977, and expiring June 30, 1979. At the end of the respective terms of office of these adult members of the Council, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify. At least one adult member shall be an advisor of a local youth council at appointment and for the duration of the term.~~

The term for each appointment shall be for two years. The total membership shall reasonably reflect the socioeconomic, ethnic, sexual and sectional composition of the State.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

The Governor shall designate an adult member of the Council to serve as ~~chairman~~ chair at the pleasure of the Governor. The Council shall elect a youth member to serve as ~~vice-chairman~~ vice-chair for a one-year term.

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

Members of the Council who are not officers or employees of the State shall receive per diem and necessary travel and subsistence expenses in accordance with provisions of G.S. 138-5.

All clerical and other services required by the Council shall be supplied by the Secretary of Administration."

EFFECTIVE DATE FOR SUBPART A

SECTION 2.19. Unless otherwise provided, this Subpart becomes effective July 1, 2012, and the members currently serving on the boards and commissions set out in those sections expire on June 30, 2012. If the terms of office being eliminated in this Subpart have not been set out by this act, then the appointing authorities shall determine by August 1, 2012, which terms to eliminate to achieve the membership totals pursuant to this Subpart. After determining which terms to eliminate, the appointing authority shall notify in writing all the persons and entities required to receive notification pursuant to G.S. 143-47.7.

SUBPART B. EXECUTIVE BOARDS AND COMMISSIONS

NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY

SECTION 2.20. Effective July 1, 2012, G.S. 122D-4 reads as rewritten:

"§ 122D-4. North Carolina Agricultural Finance Authority.

...

(b) The Authority shall be composed of ~~10~~ seven members appointed to three-year terms as follows:

(1) One member appointed by the Governor to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

~~(2) One member appointed by the Governor to a term that expires on 1 July of years that are evenly divisible by three.~~

(3) One member appointed by the Governor to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(4) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

~~(5) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that are evenly divisible by three.~~

(6) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(7) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1

July of years that precede by one year those years that are evenly divisible by three.

(8) ~~One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that are evenly divisible by three.~~

(9) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(10) The Commissioner or the Commissioner's designee shall serve ex officio, with the same rights and privileges, including voting rights, as other members.

(c) A member appointed under subdivisions (1) through (9) of subsection (b) of this section may be reappointed to no more than two successive three-year terms. Upon the expiration of a three-year term, a member shall continue to serve until a successor is appointed and duly qualified as provided by G.S. 128-7.

(d) Vacancies in the offices of any appointed members of the Authority shall be filled in accordance with G.S. 120-122 for the remainder of the unexpired term. No vacant office shall be included in the determination of a quorum. No vacancy in office shall impair the rights of the members to exercise all rights and to conduct official business of the Authority.

...."

NORTH CAROLINA CHILD CARE COMMISSION

SECTION 2.21. Effective July 1, 2012, the North Carolina Child Care Commission shall be limited to 15 members. By August 1, 2012, the Governor shall eliminate two of the appointments made by the Governor to the Commission, established pursuant to G.S. 143B-168.3.

NORTH CAROLINA COASTAL RESOURCES COMMISSION

SECTION 2.22. Effective July 1, 2012, G.S. 113A-104 reads as rewritten:

"§ 113A-104. Coastal Resources Commission.

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

(b) Composition. – The Coastal Resources Commission shall consist of ~~15~~11 members appointed by the Governor, as follows:

(1) One who shall at the time of appointment be actively connected with or have experience in commercial fishing.

(2) One who shall at the time of appointment be actively connected with or have experience in wildlife or sports fishing.

(3) One who shall at the time of appointment be actively connected with or have experience in marine ecology.

(4) One who shall at the time of appointment be actively connected with or have experience in coastal agriculture.

(5) One who shall at the time of appointment be actively connected with or have experience in coastal forestry.

~~(6) One who shall at the time of appointment be actively connected with or have experience in coastal land development.~~

(7) One who shall at the time of appointment be actively connected with or have experience in marine-related business (other than fishing and wildlife).

- (8) One who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area.
- (9) One who shall at the time of appointment be actively associated with a State or national conservation organization.
- (10) One who shall at the time of appointment be actively connected with or have experience in financing of coastal land development.
- (11) Two who shall at the time of appointment be actively connected with or have experience in local government within the coastal area.
- (12) ~~Three at-large members.~~

(c) Appointment of Members. – Appointments to the Commission shall be made to provide knowledge and experience in a diverse range of coastal interests. The members of the Commission shall serve and act on the Commission solely for the best interests of the public and public trust, and shall bring their particular knowledge and experience to the Commission for that end alone.

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

The remaining members of the Commission shall be appointed by the Governor after completion of the nominating procedures prescribed by subsection (d) of this section. The members of the Commission whose qualifications are described in subdivisions (1) through (5), (9), and (11), shall be persons who do not derive any significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as agents for development-related business activities. The Governor shall require adequate disclosure of potential conflicts of interest by members. The Governor, by executive order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section.

(d) Nominations for Membership. – On or before May 1 in every even-numbered year the Governor shall designate and transmit to the board of commissioners in each county in the coastal area four nominating categories applicable to that county for that year. Said nominating categories shall be selected by the Governor from among the categories represented, respectively by subdivisions ~~(1), (2), (3), (4), (5), (7), (8), (9), (11)~~ two persons, and (12) and (11) – two persons, of subsection (b) of this section (or so many of the above-listed paragraphs as may correspond to vacancies by expiration of term that are subject to being filled in that year). On or before June 1 in every even-numbered year the board of commissioners of each county in the coastal area shall nominate (and transmit to the Governor the names of) one qualified person in each of the four nominating categories that was designated by the Governor for that county for that year. In designating nominating categories from biennium to biennium, the Governor shall equitably rotate said categories among the several counties of the coastal area as in his judgment he deems best; and he shall assign, as near as may be, an even number of nominees to each nominating category and shall assign in his best judgment any excess above such even number of nominees. On or before June 1 in every even-numbered year the governing body of each incorporated city within the coastal area shall nominate and transmit to the Governor the name of one person as a nominee to the Commission. In making nominations, the boards of county commissioners and city governing bodies shall give due consideration to the nomination of women and minorities. The Governor shall appoint 12 persons from among said city and county nominees to the Commission. The several boards of county commissioners and city governing bodies shall transmit the names, addresses, and a brief summary of the qualifications of their nominees to the Governor on or before June 1 in each even-numbered year, beginning in 1974; provided, that the Governor, by registered or certified mail, shall notify the ~~chairman~~ chair or the mayors of the said local governing boards by May 20 in each such even-numbered year of the duties of local governing boards under this sentence. If any

board of commissioners or city governing body fails to transmit its list of nominations to the Governor by June 1, the Governor may add to the nominations a list of qualified nominees in lieu of those that were not transmitted by the board of commissioners or city governing body; Provided however, the Governor may not add to the list a nominee in lieu of one not transmitted by an incorporated city within the coastal area that neither has a population of 2,000 or more nor is contiguous with the Atlantic Ocean. Within the meaning of this section, the "governing body" is the mayor and council of a city as defined in G.S. 160A-66. The population of cities shall be determined according to the most recent annual estimates of population as certified to the Secretary of Revenue by the Secretary of Administration.

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

...."

DOMESTIC VIOLENCE COMMISSION

SECTION 2.23. Effective July 1, 2012, G.S. 143B-394.15 reads as rewritten:

"§ 143B-394.15. Commission established; purpose; membership; transaction of business.

...
(c) Membership. – The Commission shall consist of ~~39~~19 members, who reflect the geographic and cultural regions of the State, as follows:

(1) ~~Nine~~Six persons appointed by the Governor, ~~one of whom is a clerk of superior court; one of whom is an academician who is knowledgeable about domestic violence trends and treatment; one of whom is a member of the medical community; one of whom is a United States Attorney for the State of North Carolina or that person's designee; one of whom is a member of the North Carolina Bar Association who has studied domestic violence issues; one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; program; one of whom is a member of the North Carolina Coalition Against Domestic Violence; and one of whom is a former victim of domestic violence; and one of whom is a member of the public at large.~~violence.

(2) ~~Nine~~Five persons appointed by the General Assembly, upon recommendation of the President Pro Tempore of the Senate, ~~one of whom is a member of the Senate; one of whom is a district court judge; one of whom is a district attorney or assistant district attorney; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence issues; one of whom is a county manager; one of whom is a representative of a community legal services agency who works with domestic violence victims; one of whom is a former victim representative of the linguistic and cultural minority communities; and one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; and one of whom is a member of the public at large.~~Women.

(3) ~~Nine~~Five persons appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives, ~~one of whom is a member of the House of Representatives; one of whom is a magistrate; one of whom is a member of the business community; one of whom is a district court judge; one of whom is a representative of a victims'~~

service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence issues; one of whom provides offender treatment and is approved by the North Carolina Council for Women; ~~one of whom is a representative of the linguistic and cultural minority communities;~~ and one of whom is a ~~public member-former victim of domestic violence.~~

(4) The following persons: Attorney General, the Secretary of the Department of Public Safety, and the Chair of the North Carolina Council for Women, or their designees, ex officio; designees shall serve ex officio.

a. ~~The Governor.~~

b. ~~The Lieutenant Governor.~~

c. ~~The Attorney General.~~

d. ~~The Secretary of the Department of Administration.~~

e. ~~The Secretary of the Department of Public Safety.~~

f. ~~The Superintendent of Public Instruction.~~

g. ~~The Secretary of Public Safety.~~

h. ~~The Secretary of the Department of Health and Human Services.~~

i. ~~The Director of the Office of State Personnel.~~

j. ~~The Chair of the North Carolina Council for Women.~~

k. ~~The Dean of the School of Government at the University of North Carolina at Chapel Hill.~~

l. ~~The Chairman of the Governor's Crime Commission.~~

(d) Terms. – Members shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint ~~five~~ three members for terms of two years and ~~four~~ three members for terms of three years.

(2) The President Pro Tempore of the Senate shall initially appoint ~~five~~ three members for terms of two years and ~~four~~ two members for terms of three years.

(3) The Speaker of the House of Representatives shall initially appoint ~~five~~ three members for terms of two years and ~~four~~ two members for terms of three years.

Initial terms shall commence on September 1, 1999.

(e) Chair. – The chair shall be appointed biennially by the Governor from among the membership of the Commission. The initial term shall commence on September 1, 1999.

...."

COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES

SECTION 2.24. Effective July 1, 2012, G.S. 143B-148 reads as rewritten:

"§ 143B-148. Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services – members; selection; quorum; compensation.

(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services shall consist of ~~32~~ 19 members, as follows:

(1) Eight shall be appointed by the General Assembly, four upon the recommendation of the Speaker of the House of Representatives, and four upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. In recommending appointments under this section, the Speaker of the House of Representatives and the President Pro

Tempore of the Senate shall give consideration to ensuring a balance of appointments that represent those who may have knowledge and expertise in adult issues and those who may have knowledge and expertise in children's issues. Of the four appointments recommended by the President Pro Tempore of the Senate, one shall be an attorney licensed in this State with preference given to an attorney with experience in the practice of administrative law, one shall be a physician licensed to practice medicine in North Carolina, with preference given to a psychiatrist, and two shall be members of the public. Of the four appointments recommended by the Speaker of the House of Representatives, one shall be an attorney licensed in this State with preference given to an attorney with experience in the practice of mental health law, one shall be a physician licensed to practice medicine in North Carolina who has expertise and experience in the field of developmental disabilities, or a professional holding a Ph.D. with experience in the field of developmental disabilities, and two shall be members of the public. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(2) ~~Twenty-four~~Eleven shall be appointed by the Governor, ~~one from each congressional district in the State in accordance with G.S. 147-12(3)b, and the remainder at large members.~~Governor. The Governor's appointees shall represent the following categories of appointment:

- a. ~~Three professionals~~Professionals licensed or certified under Chapter 90 or Chapter 90B of the General Statutes who are practicing, teaching, or conducting research in the field of mental health.
- b. ~~Four consumers~~Consumers or immediate family members of consumers of mental health services. ~~Of these four, at least one shall be a consumer and at least one shall be an immediate family member of a consumer.~~No more than two of the consumers or immediate family members shall be selected from nominations submitted by the Coalition 2001 or its successor organization.
- c. ~~Two professionals~~Professionals licensed or certified under Chapter 90 or Chapter 90B of the General Statutes who are practicing, teaching, or conducting research in the field of developmental disabilities, and one individual who is a "qualified professional" as that term is defined in G.S. 122C-3(31) who has experience in the field of developmental disabilities.
- d. ~~Four consumers~~Consumers or immediate family members of consumers of developmental disabilities services. ~~Of these four, at least one shall be a consumer and at least one shall be an immediate family member of a consumer.~~No more than two of the consumers or immediate family members shall be selected from nominations submitted by the Coalition 2001 or its successor organization.
- e. ~~Two professionals~~Professionals licensed or certified under Chapter 90 of the General Statutes who are practicing, teaching, or conducting research in the field of substance abuse, and one professional who is a certified prevention specialist or who specializes in the area of addiction education.
- f. An individual knowledgeable and experienced in the field of controlled substances regulation and enforcement. The controlled substances appointee shall be selected from recommendations made by the Attorney General of North Carolina.

- g. A physician licensed to practice medicine in North Carolina who has expertise and experience in the field of substance abuse with preference given to a physician that is certified by the American Society of Addiction Medicine (ASAM).
- h. ~~Four consumers~~ Consumers or immediate family members of consumers of substance abuse services. ~~Of these four, at least one shall be a consumer and at least one shall be an immediate family member of a consumer.~~ No more than two of the consumers or immediate family members shall be selected from nominations submitted by the Coalition 2001 or its successor organization.
- i. An attorney licensed in this State. The appointments of professionals licensed or certified under Chapter 90 or Chapter 90B of the General Statutes made in accordance with this subdivision, and physicians appointed in accordance with subdivision (1) of this subsection shall be selected from nominations submitted to the appointing authority by the respective professional associations.

...."

NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., BOARD OF DIRECTORS

SECTION 2.25. Effective July 1, 2012, G.S. 143B-168.12 reads as rewritten:

"§ 143B-168.12. North Carolina Partnership for Children, Inc.; conditions.

(a) In order to receive State funds, the following conditions shall be met:

(1) The North Carolina Partnership shall have a Board of Directors consisting of the following ~~26~~20 members:

- a. The Secretary of Health and Human Services, ex officio, or the Secretary's designee;
- b. Repealed by Session Laws 1997, c. 443, s. 11A.105.
- c. The Superintendent of Public Instruction, ex officio, or the Superintendent's designee;
- d. The President of the Community Colleges System, ex officio, or the President's designee;
- e. Three members of the public, including one child care provider, one other who is a parent, and one other who is a board chair of a local partnership serving on the North Carolina Partnership local partnership advisory committee, appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate;
- f. Three members of the public, including one who is a parent, one other who is a representative of the faith community, and one other who is a board chair of a local partnership serving on the North Carolina Partnership local partnership advisory committee, appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives;
- g. ~~Twelve-Six~~ members, appointed by the Governor. ~~Three-Two~~ of these ~~12-six~~ members shall be members of the party other than the Governor's party, appointed by the Governor. ~~Seven of these 12~~ These six members shall be appointed as follows: one who is a child care provider, one other who is a pediatrician, ~~one other who is a health care provider~~, one other who is a parent, one other who is a member of the business community, one other who is a member

- 1 representing a philanthropic agency, and one other who is an early
2 childhood educator;
- 3 h. Repealed by Session Laws 1998-212, s. 12.37B(a), effective October
4 30, 1998.
- 5 h1. The Chair of the North Carolina Partnership Board shall be appointed
6 by the ~~Governor~~ members of the Board;
- 7 i. Repealed by Session Laws 1998-212, s. 12.37B(a), effective October
8 30, 1998.
- 9 j. One member of the public appointed by the General Assembly upon
10 recommendation of the Majority Leader of the Senate;
- 11 k. One member of the public appointed by the General Assembly upon
12 recommendation of the Majority Leader of the House of
13 Representatives;
- 14 l. One member of the public appointed by the General Assembly upon
15 recommendation of the Minority Leader of the Senate;
- 16 m. One member of the public appointed by the General Assembly upon
17 recommendation of the Minority Leader of the House of
18 Representatives; and
- 19 n. The Director of the ~~More at Four~~ NC Pre-Kindergarten Program, or
20 the Director's designee.

21 All members appointed to succeed the initial members and members
22 appointed thereafter shall be appointed for three-year terms. Members may
23 succeed themselves.

24 All appointed board members shall avoid conflicts of interests and the
25 appearance of impropriety. Should instances arise when a conflict may be
26 perceived, any individual who may benefit directly or indirectly from the
27 North Carolina Partnership's disbursement of funds shall abstain from
28 participating in any decision or deliberations by the North Carolina
29 Partnership regarding the disbursement of funds.

30 All ex officio members are voting members. Each ex officio member
31 may be represented by a designee. These designees shall be voting members.
32 No members of the General Assembly shall serve as members.

33 The North Carolina Partnership may establish a nominating committee
34 and, in making their recommendations of members to be appointed by the
35 General Assembly or by the Governor, the President Pro Tempore of the
36 Senate, the Speaker of the House of Representatives, the Majority Leader of
37 the Senate, the Majority Leader of the House of Representatives, the
38 Minority Leader of the Senate, the Minority Leader of the House of
39 Representatives, and the Governor shall consult with and consider the
40 recommendations of this nominating committee.

41 The North Carolina Partnership may establish a policy on members'
42 attendance, which policy shall include provisions for reporting absences of
43 at least three meetings immediately to the appropriate appointing authority.

44 Members who miss more than three consecutive meetings without
45 excuse or members who vacate their membership shall be replaced by the
46 appropriate appointing authority, and the replacing member shall serve either
47 until the General Assembly and the Governor can appoint a successor or
48 until the replaced member's term expires, whichever is earlier.

49 The North Carolina Partnership shall establish a policy on membership
50 of the local boards. No member of the General Assembly shall serve as a
51 member of a local board. Within these requirements for local board

membership, the North Carolina Partnership shall allow local partnerships that are regional to have flexibility in the composition of their boards so that all counties in the region have adequate representation.

All appointed local board members shall avoid conflicts of interests and the appearance of impropriety. Should instances arise when a conflict may be perceived, any individual who may benefit directly or indirectly from the partnership's disbursement of funds shall abstain from participating in any decision or deliberations by the partnership regarding the disbursement of funds.

...."

COMMISSION FOR PUBLIC HEALTH

SECTION 2.26. Effective July 1, 2012, G.S. 130A-30 reads as rewritten:

"§ 130A-30. Commission for Public Health – Members; selection; quorum; compensation.

(a) The Commission for Public Health shall consist of ~~13~~ 11 members, four of whom shall be elected by the North Carolina Medical Society and ~~nine~~ seven of whom shall be appointed by the Governor.

(b) One of the members appointed by the Governor shall be a licensed pharmacist, one a registered engineer experienced in sanitary engineering or a soil scientist, one a licensed veterinarian, one a licensed optometrist, one a licensed dentist, and one a registered nurse. The initial members of the Commission shall be the members of the State Board of Health who shall serve for a period equal to the remainder of their current terms on the State Board of Health, three of whose appointments expire May 1, 1973, and two of whose appointments expire May 1, 1975. At the end of the respective terms of office of initial members of the Commission, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

...."

UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC TELEVISION BOARD OF TRUSTEES

SECTION 2.27. Effective July 1, 2012, G.S. 116-37.1 reads as rewritten:

"§ 116-37.1. Center for public television.

(b) The Center shall have a board of trustees, to be named "the Board of Trustees of the University of North Carolina Center for Public Television" (hereinafter called "the Board of Trustees"). The Board of Governors is hereby authorized and directed to establish the Board of Trustees of the Center and to delegate to the Board of Trustees such powers and duties as the Board of Governors deems necessary or appropriate for the effective discharge of the functions of the Center; provided, that the Board of Governors shall not be deemed by the provisions of this section to have the authority to delegate any responsibility it may have as licensee of the broadcast facilities of the University of North Carolina.

(1) The Board of Trustees of the University of North Carolina Center for Public Television shall be composed of the following membership: ~~11~~ four persons appointed by the Board of Governors; ~~four~~ two persons appointed by the Governor; two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121; and ex officio, the Secretary of the Department of Cultural Resources, the Secretary of the Department of

Health and Human Services, the Superintendent of Public Instruction, the President of the Community College System, and the President of the University of North Carolina. In making initial appointments to the Board of Trustees, the Board of Governors shall designate ~~six~~ two persons for two-year terms and ~~five~~ two persons for four-year terms, and the Governor shall designate ~~two persons~~ one person for ~~a two-year terms-term~~ and ~~two persons~~ one person for ~~a four-year terms-term~~. The initial members appointed to the Board of Trustees by the General Assembly shall serve for terms expiring June 30, 1983, and notwithstanding anything else in this section, their successors shall be appointed in 1983 and biennially thereafter for two-year terms. Thereafter, the term of office of appointed members of the Board of Trustees of the Center shall be four years. In making appointments to the Board of Trustees the appointing authorities shall give consideration to promoting diversity among the membership, to the end that, in meeting the responsibilities delegated to it, the Board of Trustees will reflect and be responsive to the diverse needs, interests, and concerns of the citizens of North Carolina.

...."

SOCIAL SERVICES COMMISSION

SECTION 2.28. Effective July 1, 2012, G.S. 143B-154 reads as rewritten:

"§ 143B-154. Social Services Commission – members; selection; quorum; compensation.

The Social Services Commission of the Department of Health and Human Services shall consist of ~~one member from each congressional district in the State, all of whom shall be~~ members appointed by the Governor for four-year ~~terms~~ terms beginning July 1.

~~The initial members of the Commission shall be the appointed members of the current Social Services Commission who shall serve for the remainder of their current terms and four additional members appointed by the Governor for terms expiring April 1, 1981. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, removal or disability of a member shall be for the balance of the unexpired term.~~

~~In the event that more than 11 congressional districts are established in the State, the Governor shall on July 1 following the establishment of such additional congressional districts appoint a member of the Commission from that congressional district.~~

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

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

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

All clerical and other services required by the Commission shall be supplied by the Secretary of Health and Human Services."

NORTH CAROLINA TEXTBOOK COMMISSION

SECTION 2.29. Effective July 1, 2012, G.S. 115C-87 reads as rewritten:

"§ 115C-87. Appointment of Textbook Commission.

Shortly after assuming office, the Governor shall appoint a Textbook Commission of ~~23~~ 16 members who shall hold office for four years, or until their successors are appointed and qualified. The members of the Commission shall be appointed by the Governor upon recommendation of the Superintendent. ~~Five~~ Three of these members shall be teachers or principals in grades K-5; ~~five~~ three shall be teachers or principals in grades 6-8; four shall be superintendents, teachers, or principals in grades 9-12; ~~one shall be a superintendent of a local~~

1 ~~school administrative unit, three~~ two shall be parents of students in grades K-5 at the time of
2 appointment; ~~three~~ two shall be parents of students in grades 6-8 at the time of appointment;
3 and two shall be parents of students in grades 9-12 at the time of appointment. The Governor
4 shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a
5 ~~chairman, chair,~~ subject to the approval of the Superintendent. The Commission shall meet four
6 times a year or at the call of the chair. The members shall be entitled to compensation for each
7 day spent on the work of the Commission as approved by the Board and to reimbursement for
8 travel and subsistence expense incurred in the performance of their duties at the rates specified
9 in G.S. 138-5(a). Compensation shall be paid from funds available to the State Board of
10 Education."

11 12 TOBACCO TRUST FUND COMMISSION

13 SECTION 2.30. G.S. 143-717 reads as rewritten:

14 "§ 143-717. Commission.

15 ...
16 (b) Membership. – The Commission shall consist of ~~18~~ 15 members. The Commission
17 shall be appointed as follows: ~~six~~ five members by the Governor, ~~six~~ five members by the
18 President Pro Tempore of the Senate, and ~~six~~ five members by the Speaker of the House of
19 Representatives. The members shall be appointed as follows:

20 (1) The Governor shall make the following appointments:

- 21 a. A ~~flue-cured~~ tobacco farmer.
- 22 b. A ~~flue-cured~~ tobacco farmer.
- 23 c. A ~~person in or displaced from tobacco-related employment~~ tobacco
24 farmer.
- 25 d. ~~An at-large appointee.~~
- 26 e. An at-large appointee.
- 27 f. An at-large appointee.

28 (2) The President Pro Tempore of the Senate shall make the following
29 appointments:

- 30 a. A ~~flue-cured~~ tobacco farmer.
- 31 b. A ~~flue-cured~~ tobacco farmer.
- 32 c. A ~~burley~~ tobacco farmer.
- 33 d. ~~An at-large appointee.~~
- 34 e. An at-large appointee.
- 35 f. An at-large appointee.

36 (3) The Speaker of the House of Representatives shall make the following
37 appointments:

- 38 a. A ~~flue-cured~~ tobacco farmer.
- 39 b. A ~~former flue-cured allotment holder who is not also a flue-cured~~
40 ~~tobacco farmer.~~
- 41 c. A ~~burley~~ tobacco farmer.
- 42 d. ~~An at-large appointee.~~
- 43 e. An at-large appointee.
- 44 f. An at-large appointee.

45 It is the intent of the General Assembly that the appointing authorities, in appointing
46 members, shall appoint members who represent the geographic, political, gender, and racial
47 diversity of the State. It is the intent of the General Assembly that at least one-half of the
48 members of the Commission be tobacco farmers.

49 Except as provided for the initial members under subsection (c) of this section, members
50 shall serve four-year terms beginning July 1. No member may serve more than two full
51 consecutive terms. Members may continue to serve beyond their terms until their successors are

duly appointed, but any holdover shall not affect the expiration date of the succeeding term. Vacancies shall be filled by the designated appointing authority for the remainder of the unexpired term. A member may be removed from office for cause by the authority that appointed that member.

(c) Initial Membership; Staggering. – To provide for a staggered membership, the members initially appointed to the Commission shall be appointed to staggered terms. Of the initial appointments to the Commission, the members initially appointed pursuant to sub-subdivisions ~~(b)(1)a., (b)(1)b., and (2)d., and (3)d.~~ of this section shall serve one-year terms ending on ~~June 30, 2001.~~ June 30, 2013. The members initially appointed pursuant to sub-subdivisions (b)(2)c., (2)e., (3)a., and (3)e. shall serve two-year terms ending on ~~June 30, 2002.~~ June 30, 2014. The members initially appointed pursuant to sub-subdivisions (b)(1)c., ~~(1)d., (1)e., (2)b., and (3)c.~~ of this section shall serve three-year terms ending ~~June 30, 2003.~~ June 30, 2015. The remaining members initially appointed pursuant to subsection (b) of this section shall serve four-year terms ending ~~June 30, 2004.~~ June 30, 2016.

...
(f) Quorum; Majority. – ~~Ten~~ Seven members shall constitute a quorum of the Commission. The Commission may act upon a majority vote of the members of the Commission on matters involving the disbursement of funds and personnel matters properly before the Commission. On all other matters, the Commission may act by majority vote of the members of the Commission at a meeting at which a quorum is present.

NORTH CAROLINA INSTITUTE OF MEDICINE, BOARD OF DIRECTORS

SECTION 2.31. G.S. 90-470 reads as rewritten:

"§ 90-470. Institute of Medicine.

The persons appointed under the provisions of this section are declared to be a body politic and corporate under the name and style of the North Carolina Institute of Medicine, and by that name may sue and be sued, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this section. The corporation shall have perpetual succession.

The purposes for which the corporation is organized are to:

- (1) Be concerned with the health of the people of North Carolina;
- (2) Monitor and study health matters;
- (3) Respond authoritatively when found advisable;
- (4) Respond to requests from outside sources for analysis and advice when this will aid in forming a basis for health policy decisions.

~~The Governor shall appoint seven of the initial members of the North Carolina Institute of Medicine shall be appointed by the Governor.~~ Medicine beginning July 1, 2012. The General Assembly shall appoint four members, two upon the recommendation of the President Pro Tempore of the Senate and two upon the recommendation of the Speaker of the House of Representatives to an initial term beginning July 1, 2012.

The initial members are authorized, prior to expanding the membership, to establish bylaws, to procure facilities, employ a director and staff, to solicit, receive and administer funds in the name of the North Carolina Institute of Medicine, and carry out other activities necessary to fulfill the purposes of this section.

The members shall select with the approval of the Governor additional members, so that the total membership will not exceed a number determined by the Board of Directors in its bylaws. The membership should be distinguished and influential leaders from the major health professions, the hospital industry, the health insurance industry, State and county government and other political units, education, business and industry, the universities, and the university medical centers.

1 The North Carolina Institute of Medicine may receive and administer funds from private
2 sources, foundations, State and county governments, federal agencies, and professional
3 organizations.

4 The director and staff of the North Carolina Institute of Medicine should be chosen from
5 those well established in the field of health promotion and medical care.

6 For the purposes of Chapter 55A of the General Statutes, the members appointed under this
7 section shall be considered the initial board of directors.

8 The North Carolina Institute of Medicine is declared to be under the patronage and control
9 of the State.

10 The General Assembly reserves the right to alter, amend, or repeal this section."
11

12 NORTH CAROLINA COUNCIL FOR WOMEN

13 SECTION 2.32. G.S. 143B-394 reads as rewritten:

14 "§ 143B-394. North Carolina Council for Women – members; selection; quorum;
15 compensation.

16 The North Carolina Council for Women of the Department of Administration shall consist
17 of ~~20-11~~ members appointed by the Governor. ~~The initial members of the Council shall be the~~
18 ~~appointed members of the North Carolina Council for Women, three of whose appointments~~
19 ~~expire June 30, 1977, and four of whose appointments expire June 30, 1978. Thirteen~~
20 ~~additional members shall be appointed in 1977, six of whom shall serve terms expiring June 30,~~
21 ~~1978, and seven of whom shall serve terms expiring June 30, 1979. At the ends of the~~
22 ~~respective terms of office of the initial members of the Council and of the 13 members added in~~
23 ~~1977, the appointment of their successors shall be for terms of two years and until their~~
24 ~~successors are appointed and qualify as follows: Seven appointments by the Governor, two~~
25 ~~appointments by the President Pro Tempore of the Senate, and two by the Speaker of the House~~
26 ~~of Representatives. Initial terms for appointments by the Governor shall be for two years. Initial~~
27 ~~appointments by the President Pro Tempore of the Senate and the Speaker of the House of~~
28 ~~Representatives shall be for four years. All subsequent terms shall be for four years. Any~~
29 ~~appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or~~
30 ~~disability of a member shall be for the balance of the unexpired term. Members of the Council~~
31 ~~shall be representative of age, sex, ethnic and geographic backgrounds.~~

32 ~~The Governor shall have the power to remove any member of the Council from office in~~
33 ~~accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.~~
34 ~~The appointing authority shall have the power to remove any member of the Commission~~
35 ~~appointed by that authority from office for misfeasance, malfeasance, and nonfeasance~~
36 ~~according to applicable provisions of law.~~

37 ~~The Governor-Council shall designate a member of the Council to serve as chairman at the~~
38 ~~pleasure of the Governor-chair.~~

39 Members of the Council shall receive per diem and necessary travel and subsistence
40 expenses in accordance with the provisions of G.S. 138-5.

41 A majority of the Council shall constitute a quorum for the transaction of business.

42 All clerical and other services required by the Council shall be supplied by the Secretary of
43 Administration."
44

45 NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT

46 SECTION 2.33. G.S. 143B-438.10 reads as rewritten:

47 "§ 143B-438.10. Commission on Workforce Development.

48 ...

49 (b) Membership; Terms. – The Commission on Workforce Development shall consist
50 of ~~38-18~~ members appointed as follows:

- (1) By virtue of their offices, the following department and agency heads or their respective designees shall serve on the Commission: the Secretary of the Department of Health and Human Services, the Assistant Secretary of Commerce in charge of the Division of Employment Security, the Superintendent of Public Instruction, the President of the Community Colleges System Office, the Commissioner of the Department of Labor, and the Secretary of the Department of Commerce.
- (2) The Governor shall appoint ~~32-12~~ members as follows:
- ~~Six-Two~~ members representing public, postsecondary, and vocational education.
 - ~~Two members~~ One member representing a community-based ~~organizations-organization.~~
 - ~~Six-Two~~ members representing labor.
 - ~~Eighteen-Seven~~ members representing business and industry.
- (3) The terms of the members appointed by the Governor shall be for four years.

ENVIRONMENTAL MANAGEMENT COMMISSION

SECTION 2.34.(a) G.S. 143B-283 reads as rewritten:

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

(a) Membership. – The Environmental Management Commission shall consist of ~~13~~ seven members appointed by the Governor. The Governor shall select the members so that the membership of 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; and~~

(11) One who shall, at the time of appointment, have special training and scientific expertise in freshwater, estuarine, marine biological, or ecological sciences.

(b) Terms. – Members appointed by the Governor shall serve terms of office of six years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Governor may reappoint a member of the Commission to an additional term if, at the time of the reappointment, the member qualifies for membership on the Commission under subsection (a) of this section.

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

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

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

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

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

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

SECTION 2.34.(b) G.S. 143B-284 reads as rewritten:

"§ 143B-284. Environmental Management Commission – officers.

The Environmental Management Commission shall have a ~~chairman~~chair and a ~~vice chairman~~vice-chair. The ~~chairman~~Commission shall be ~~designated by the Governor~~designate a chair from among the members of the ~~Commission to serve as chairman at the pleasure of the Governor~~Commission. The ~~vice chairman~~vice-chair shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term whichever comes first."

EFFECTIVE DATE FOR SUBPART B

SECTION 2.35. Unless otherwise provided, this Subpart becomes effective July 1, 2012. If the terms of office being eliminated in this Subpart have not been set out by this act, then the appointing authorities shall determine by August 1, 2012, which terms to eliminate to achieve the membership totals pursuant to this Subpart. After determining which terms to eliminate, the appointing authority shall notify in writing all the persons and entities required to receive notification pursuant to G.S. 143-47.7.

PART III. MISCELLANEOUS AND CONFORMING CHANGES**E-NC AUTHORITY**

SECTION 3.1. Section 1.16 of S.L. 2011-176 and Section 3.6 of S.L. 2011-406 are repealed.

EARLY CHILDHOOD VISION CONFORMING CHANGE

SECTION 3.2. G.S. 130A-440.1 reads as rewritten:

"§ 130A-440.1. Early Childhood Vision Care.

...

(f) No child shall be excluded from attending school for a parent's failure to obtain a comprehensive eye examination required under this section. If a parent fails or refuses to obtain a comprehensive eye examination or to provide the certification of a comprehensive eye examination, the school shall send a written reminder to the parent of required eye examinations and shall include information about funds that may be available from the Governor's Commission on Early Childhood Vision Care examinations."

EMPLOYEE HOSPITAL AND MEDICAL BENEFITS

SECTION 3.3. G.S. 58-50-180 reads as rewritten:

"§ 58-50-180. Risk Pool established; board of directors; plan of operation.

...

(g) The Executive Director shall make an annual report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Commissioner, and the Joint Legislative Oversight Committee on Health and Human Services, and the Committee on Employee Hospital and Medical Benefits Services. The report shall summarize the activities of the Pool in the preceding calendar year, including the net written and earned premiums, benefit plan enrollment, the expense of administration, and the paid and incurred losses."

NORTH CAROLINA CEMETERY COMMISSION

SECTION 3.4.(a) G.S. 65-49 reads as rewritten:

"§ 65-49. The North Carolina Cemetery Commission.

~~There is hereby established in the Department of Commerce a~~ The North Carolina Cemetery Commission is established with the power and duty to adopt rules and regulations to be followed in the enforcement of this Article."

SECTION 3.4.(b) G.S. 65-50 reads as rewritten:

"§ 65-50. Cemetery Commission; members, selection, quorum.

(a) Membership. – The Cemetery Commission shall consist of nine members. The General Assembly shall appoint two ~~members, members who own or manage a cemetery in North Carolina,~~ one of whom shall be recommended by the President Pro Tempore of the Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

(1) Two members who own or manage cemeteries in North Carolina.

(2) Three members who are selected from six nominees submitted by the North Carolina Cemetery Association.

(3) Two public members who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. ~~Any~~

1 appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or
2 disability of a member shall be for the balance of the unexpired term.

3 (b1) Any vacancy shall be filled by the authority originally filling that position, except
4 that any vacancy in appointments by the General Assembly shall be filled in accordance with
5 G.S. 120-122.

6 (c) Removal. – The appointing authority shall have the power to remove any member of
7 the Commission appointed by that authority from office for misfeasance, malfeasance and
8 nonfeasance according to applicable provisions of law.

9 (d) Quorum. – A majority of the Commission shall constitute a quorum for the
10 transaction of business.

11 (e) Chair-Officers. – At the first meeting of the Commission held after September 1,
12 1975, the Commission shall elect one of its members as its ~~chairman~~ chair and another as its
13 ~~vice-chairman~~ vice-chair, both to serve through June 30 of the next following year. Thereafter,
14 at its first meeting held on or after July 1 of each year, the Commission shall elect from its
15 members a ~~chairman and vice-chairman to serve through June 30 of the next following~~
16 ~~year~~ president, vice president, and secretary-treasurer with no two offices to be held by the
17 same person. All officers shall serve for a term of one year and shall serve until their successors
18 are elected and qualified. "

19 SECTION 3.4.(c) G.S. 65-51 reads as rewritten:

20 "§ 65-51. Principal office.

21 The principal office of the Commission shall be in the City of Raleigh, North Carolina.
22 Notice of all regular and special meetings of the Commission shall be advertised 10 or more
23 days in advance in at least three newspapers in North Carolina having inter-county circulation
24 in the State. Each member of the Commission shall receive per diem and allowances in
25 accordance with ~~G.S. 138-5~~ G.S. 93B-5. ~~The administrator~~ Members of the
26 Commission, Commission and other employees required to attend and legal counsel to the
27 Commission shall be entitled to actual expenses while attending regular or special meetings of
28 the Commission held other than in Raleigh, North Carolina. All salaries, compensation, and
29 expenses of the Commission shall be paid from funds coming to the Commission pursuant to
30 this Article. In no case shall any salary, compensation, or other expense of the Commission be
31 charged against the General Fund."

32 SECTION 3.4.(d) G.S. 65-53 reads as rewritten:

33 "§ 65-53. Powers.

34 In addition to other powers conferred by this Article, the Cemetery Commission shall have
35 the following powers and duties:

- 36 (1) ~~The administrator shall be appointed by the Governor upon recommendation~~
37 ~~of the Cemetery Commission. The compensation of the administrator and~~
38 ~~such other personnel as is necessary to operate the Commission is subject to~~
39 ~~the provisions of Chapter 126 of the General Statutes of North Carolina. The~~
40 ~~Commission is authorized and empowered to~~ To employ such staff, including
41 legal counsel, as may be necessary-necessary to perform its duties and
42 determine the compensation of its employees.
43 (2) To examine a cemetery company's records when a person applies for a
44 change of control of the company.
45 (3) Investigate, upon its own initiative or upon a verified complaint in writing,
46 the actions of any person engaged in the business or acting in the capacity of
47 a licensee under this Article. The license of a licensee may be revoked or
48 suspended for a period not exceeding two years, or until compliance with a
49 lawful order imposed in the final order of suspension, or both, where the
50 licensee in performing or attempting to perform any of the acts specified in
51 this Article has been guilty of:

- a. Failing to pay the fees required herein;
- b. Failing to make any reports required by this Article;
- c. Failing to remit to the care and maintenance trust fund, merchandise trust fund, or preconstruction trust fund the required amounts;
- d. Making any substantial misrepresentation;
- e. Making any false statement of a character likely to influence or persuade;
- f. A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen;
- g. Violating any provision of this Article or rule promulgated by the Commission; or
- h. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(4) ~~In all proceedings under this Article for the revocation or suspension of licenses, the provisions of Chapter 150B of the General Statutes shall be applicable. To hold hearings in accordance with the provisions of this Article and Article 3A of Chapter 150B of the General Statutes to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Commission.~~

In any show cause hearing before the Commission held under the authority of Article 3A of Chapter 150B of the General Statutes where the Commission imposes discipline against a licensee, the Commission may recover the costs, other than attorneys' fees, of holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars (\$2,500).

(5) ~~At such time as the Commission finds it necessary it may bring an action in the name of the State in the court of the county in which the place of business is located against such person to enjoin such person from engaging in or continuing such violation or doing any act or acts in furtherance thereof. To apply to the courts, in its own name, for injunctive relief to prevent violations of this Article or violations of any rules adopted pursuant to this Article. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke the injunctive relief under this subdivision. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper; provided, that before any such action is brought the Commission shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the violation. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the court shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this Article through or by means of the use of said property and business. The Commission may institute proceedings against the cemetery or its officers, whereafter an examination, pursuant to this Article, a shortage in the care and maintenance trust fund, merchandise trust fund or mausoleum and belowground crypts preconstruction trust fund is discovered, to recover said shortage.~~

- 1 (6) Whenever any special additional audit or examination of a licensee's
2 premises, facilities, books or records is necessary because of the failure of
3 the licensee to comply with the requirements imposed in this Article or by
4 the rules and regulations of the Commission, to charge a fee based on the
5 cost of the special examination or audit, taking into consideration the salary
6 of any employees involved in the special audit or examination and any
7 expenses incurred.
- 8 (7) ~~Promulgate~~ To promulgate rules and regulations requiring licensees to file
9 with the Commission plans and specifications for the minimum quality of
10 any product sold. The sale of any product for which plans and specifications
11 required by the rules and regulations have not been filed or sale of any
12 product of a lesser quality than the plans and specifications filed with the
13 Commission is a violation of this Article.
- 14 (8) When the Commission finds that failure by a licensee to maintain a cemetery
15 properly has caused that cemetery to be a public nuisance or a health or
16 safety hazard, the Commission may bring an action for injunctive relief,
17 against the responsible licensee, in the superior court of the county in which
18 the cemetery or any part thereof is located.
- 19 (9) To acquire, hold, rent, encumber, alienate, and otherwise deal with real
20 property in the same manner as a private person or corporation, subject only
21 to approval of the Governor and Council of State. Collateral pledged by the
22 Commission for an encumbrance is limited to the assets, incomes, and
23 resources of the Commission.
- 24 (10) To purchase, rent, or lease equipment and supplies and purchase liability
25 insurance to cover the activities of the Commission, its operations, or its
26 employees."

27 SECTION 3.4.(e) Article 9 of Chapter 65 of the General Statutes is amended by
28 adding a new section to read:

29 "§ 65-53.1. Inspectors.

30 (a) The Commission may appoint one or more agents who shall serve at the pleasure of
31 the Commission and who shall have the title "Inspector of the North Carolina Cemetery
32 Commission."

33 (b) To determine compliance with the provisions of this Article and regulations
34 promulgated under this Article, inspectors may:

- 35 (1) Enter the office, establishment, or place of business in North Carolina of any
36 cemetery broker, cemetery company, cemetery management organization,
37 cemetery sales organization, or preneed sales licensee to inspect the records,
38 office, establishment, or facility, or to inspect the practice conducted or
39 license of any licensee.
- 40 (2) Inspect criminal and probation records of licensees and applicants for
41 licenses under this Article to obtain evidence of their character.

42 (c) Inspectors may serve papers and subpoenas issued by the Commission or any office
43 or member thereof under authority of this Article and shall perform other duties prescribed or
44 ordered by the Commission.

45 (d) The Commission may prescribe an inspection form to be used by the inspectors in
46 performing their duties.

47 (e) Upon request by the Commission, the Attorney General of North Carolina shall
48 provide the inspectors with appropriate identification cards signed by the Attorney General or
49 his or her designated agent. In lieu of identification cards, the Commission may design and
50 issue badges to inspectors."

1 SECTION 3.4.(f) Article 9 of Chapter 65 of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 65-54.1. Commission records are confidential.**

4 Records, papers, and other documents containing information collected or compiled by the
5 Commission, its members, or employees, as a result of a complaint, investigation, inquiry, or
6 interview in connection with an application for license, or in connection with a license holder's
7 professional ethics and conduct, shall not be considered public records within the meaning of
8 Chapter 132 of the General Statutes. Any notice or statement of charges against a license holder
9 or applicant, or any notice to a license holder or applicant of a hearing to be held by the
10 Commission, is a public record even though it may contain information collected and compiled
11 as a result of a complaint, investigation, inquiry, or interview conducted by the Commission. If
12 any record, paper, or other document containing information collected and compiled by the
13 Commission is admitted into evidence in a hearing held by the Commission, it shall then be a
14 public record within the meaning of Chapter 132 of the General Statutes."

15 SECTION 3.4.(g) G.S. 143B-433(1) reads as rewritten:

16 **"§ 143B-433. Department of Commerce – organization.**

17 The Department of Commerce shall be organized to include:

18 (1) The following agencies:

- 19 a. The North Carolina Alcoholic Beverage Control Commission.
- 20 b. The North Carolina Utilities Commission.
- 21 c. Repealed by Session Laws 2011-401, s. 1.5, effective November 1,
22 2011.
- 23 d. The North Carolina Industrial Commission.
- 24 e. State Banking Commission.
- 25 f. Savings Institutions Division.
- 26 g. Repealed by Session Laws 2001-193, s. 11, effective July 1, 2001.
- 27 h. Credit Union Commission.
- 28 i. Repealed by Session Laws 2004-199, s. 27(d), effective August 17,
29 2004.
- 30 j. The North Carolina Mutual Burial Association Commission.
- 31 k. ~~North Carolina Cemetery Commission.~~
- 32 l. The North Carolina Rural Electrification Authority.
- 33 m. Repealed by Session Laws 1985, c. 757, s. 179(d).
- 34 n. North Carolina Science and Technology Research Center.
- 35 o. Repealed by Session Laws 2011-145, s. 14.6(g), effective July 1,
36 2011.
- 37 p. Repealed by Session Laws 2010-180, s. 7(f), effective August 2,
38 2010.
- 39 q. Economic Development Board.
- 40 r. Labor Force Development Council.
- 41 s., t. Repealed by Session Laws 2000, c. 140, s. 76.(j), effective
42 September 30, 2000.
- 43 u. Navigation and Pilotage Commissions established by Chapter 76 of
44 the General Statutes.
- 45 v. Repealed by Session Laws 1993, c. 321, s. 313b."

46 SECTION 3.4.(h) Section 14.7(a) of S.L. 2011-145 reads as rewritten:

47 **"SECTION 14.7.(a)** In consultation with the Fiscal Research Division, the Department of
48 Commerce and the ABC Commission, State Banking Commission, Credit Union Division,
49 ~~Cemetery Commission~~, Utilities Commission, Utilities Commission Public Staff, and the Rural
50 Electrification Authority shall study the following: (i) the types of services provided by the
51 Department of Commerce to each of the agencies during each fiscal year; and (ii) formulas or

1 methods to be used to determine the costs of the services, including the advantages and
2 disadvantages of each formula or method. The Department of Commerce and each of the
3 agencies shall prepare a joint recommendation as to which formula or method to determine the
4 costs of the services should be used. In addition, the Department of Commerce and each of the
5 agencies shall develop a memorandum of understanding that details the services to be provided
6 by the Department of Commerce during each fiscal year."

7 **SECTION 3.4.(i)** This section is effective when it becomes law.

8
9 **DIRECTOR OF THE MUSEUM OF ART**

10 **SECTION 3.5.** G.S. 140-5.15 reads as rewritten:

11 **"§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties;**
12 **staff.**

13 (a) ~~The Secretary of Cultural Resources-Director's Committee shall appoint the Director~~
14 ~~of the North Carolina Museum of Art from a list of not fewer than two nominees recommended~~
15 ~~by the Board of Trustees of the North Carolina Museum of Art and may dismiss the Director.~~
16 The Director's Committee shall evaluate the performance of the Director and shall determine
17 the Director's compensation within the limitations of available funding.

18 (b) ~~The Secretary of Cultural Resources may dismiss the Director unless two thirds of~~
19 ~~the authorized membership of the Board of Trustees shall vote to reverse that action in~~
20 ~~accordance with the following procedure: Upon dismissal of the Director, the Secretary shall~~
21 ~~give to the chairman of the Board of Trustees written notice of that action. This notice shall be~~
22 ~~sent to the chairman of the Board within 10 days after the Secretary makes a final decision on~~
23 ~~dismissal. The chairman shall promptly communicate the notice of dismissal to all other Board~~
24 ~~members. Board action to consider reversal of the Secretary's decision shall be taken at a~~
25 ~~regular or special meeting called pursuant to G.S. 140-5.13(h). Reversal of the Secretary's order~~
26 ~~of dismissal may be effected only by resolution adopted by an affirmative vote of two thirds of~~
27 ~~the authorized membership of the Board of Trustees at a meeting held within 30 days after the~~
28 ~~chairman of the Board receives from the Secretary written notice of dismissal of the Director.~~
29 ~~All ex-officio members of the Board shall be entitled to vote on this question. The failure of~~
30 ~~two thirds of the authorized membership of the Board of Trustees to vote to reverse the~~
31 ~~Secretary's order of dismissal within 30 days after the chairman of the Board receives from the~~
32 ~~Secretary written notice of dismissal of the Director shall be deemed an affirmation of that~~
33 ~~order by the Board.~~

34 (b1) The Director's Committee shall consist of the following members:

35 (1) The Secretary of Cultural Resources.

36 (2) The Chair of the Board of Trustees of the North Carolina Museum of Art.

37 (3) One member designated by the Board of Trustees of the North Carolina
38 Museum of Art.

39 (4) The President of the Board of Directors of the North Carolina Museum of
40 Art Foundation, Inc., or other designated representative of the Board.

41 (5) One member designated by the Board of the North Carolina Museum of Art
42 Foundation, Inc.

43 (c) The State-funded portion of the salary of the Director shall be fixed by the General
44 Assembly in the Current Operations Appropriations Act.

45 (d) The Director shall have the following powers and duties:

46 (1) Under the supervision of the Board of Trustees, to direct and administer the
47 North Carolina Museum of Art in accordance with the policies, rules, and
48 regulations adopted by the Board of Trustees;

49 (2) To employ such persons as are necessary to perform the functions of the
50 North Carolina Museum of Art and are provided for in the budget of the
51 Museum and to promote, demote, and dismiss such persons in accordance

1 with State personnel policies, rules, and regulations. This paragraph shall not
2 apply to associate directors and curators;
3 (3) To serve as director of collections of the North Carolina Museum of Art;
4 (4) To serve as Secretary to the Board of Trustees.
5 (e) The Director, associate directors, and curators shall be exempt from the provisions
6 of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the
7 Secretary of Cultural Resources, rules and regulations governing the employment, promotion,
8 demotion, and dismissal of associate directors and curators."
9

10 NORTH CAROLINA BOARD OF LICENSING OF SOIL SCIENTISTS

11 SECTION 3.6. G.S. 89F-25 reads as rewritten:

12 "§ 89F-25. Fees.

13 (a) The Board shall determine fees for the following services that shall not exceed the
14 amounts specified in this section:

15	Application	\$ 50.00
16	Examination	~~125.00~~
17	License	85.00
18	Renewal	85.00
19	Restoration	110.00
20	Replacement license	50.00
21	Seal	30.00.

22 (b) Examination fees shall not exceed the national exam fee as set by the examination
23 vendor selected by the Board."
24

25 STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

26 SECTION 3.7. G.S. 87-39(a) reads as rewritten:

27 "(a) The State Board of Examiners of Electrical Contractors shall continue as the State
28 agency responsible for the licensing of persons engaging in electrical contracting within this
29 State, and shall consist of eight members appointed as follows:

30 (1) ~~one~~One member from the North Carolina Department of Insurance to be
31 designated by the Commissioner of ~~Insurance~~Insurance.

32 (2) ~~one member~~Two members who ~~has~~have satisfied the requirements for an
33 unlimited license as defined in G.S. 87-43.3 and who ~~is a representative~~are
34 representatives of the North Carolina Association of Electrical Contractors
35 to be designated by the governing body of that ~~organization~~organization.

36 (3) Two members who have satisfied the requirements for an unlimited license
37 as defined in G.S. 87-43.3 and who are representatives of the Carolinas
38 Electrical Contractors Association to be designated by the governing body of
39 that organization.

40 (4) ~~and five~~Three members to be appointed by the Governor:

41 a. ~~one~~One from the faculty of The Greater University of North
42 Carolina who teaches or does research in the field of electrical
43 ~~engineering~~engineering.

44 b. ~~one~~One who is serving as a chief electrical inspector of a
45 municipality or county in North Carolina, ~~one who has satisfied the~~
46 ~~requirements for an unlimited license as defined in G.S. 87-43.3 and~~
47 ~~who is a representative of the Carolinas Electrical Contractors~~
48 ~~Association operating a sole proprietorship, partnership or~~
49 ~~corporation located in North Carolina which is actively engaged in~~
50 ~~the business of electrical contracting, and~~Carolina.

c. ~~two~~ One who ~~have~~ has no ties with the construction industry and who ~~represent~~ represents the interest of the public at large."

BOARD OF FUNERAL SERVICE

SECTION 3.8. Article 13A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-210.25B. Persons who shall not be licensed under this Article.

(a) The board shall not issue or renew any licensure, permit, or registration to any person or entity who has been convicted of a sexual offense against a minor.

(b) For purposes of this Article, the term "sexual offense against a minor" means a conviction of any of the following offenses: G.S. 14-27.4A(a) (sex offense with a child; adult offender), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years old where the defendant is at least six years older), G.S. 14-190.16 (first-degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term shall also include a conviction of the following: any attempt, solicitation, or conspiracy to commit any of these offenses or any aiding and abetting any of these offenses. The term shall also include a conviction in another jurisdiction for an offense which if committed in this State has the same or substantially similar elements to an offense against a minor as defined by this section.

(c) If a person or entity holding a license, permit, or registration in another jurisdiction has the license revoked, suspended, or placed on probation because of a felony conviction other than those enumerated above, the board shall impose a sanction equal or greater to the sanction imposed by the other jurisdiction.

(d) If a person or entity holding a license, permit, or registration in another jurisdiction has the license revoked, suspended, or placed on probation because of conduct related to fitness to practice as described in G.S. 90-210.25(e), the board shall impose a sanction equal to or greater than the sanction imposed by the other jurisdiction."

ROANOKE RIVER BASIN BI-STATE COMMISSION

SECTION 3.9.(a) G.S. 77-92 reads as rewritten:

"§ 77-92. Membership; terms of office; eligibility for appointment.

(a) The Roanoke River Basin Bi-State Commission shall consist of 18 members with each state appointing nine members. The North Carolina delegation to the Commission shall consist of ~~the six members of the General Assembly of North Carolina appointed the following members:~~

(1) Three members of the North Carolina House of Representatives appointed by the Speaker of the House of Representatives.

(2) Three members of the North Carolina Senate appointed by the President Pro Tempore of the Senate. ~~to the North Carolina Roanoke River Basin Advisory Committee and three~~

(3) Three nonlegislative members of the North Carolina Roanoke River Basin Advisory Committee, established pursuant to G.S. 77-103, who represent different geographical areas of the North Carolina portion of the Basin and who reside within the Basin's watershed, to be appointed by the Governor of North Carolina.

(4) The Virginia delegation to the Commission shall be appointed as determined by the Commonwealth of Virginia.

...."

SECTION 3.9.(b) G.S. 77-93 reads as rewritten:

"§ 77-93. Powers and duties.

(b) To perform its duties and objectives, the Commission shall have the following powers:

(2) To establish standing and ad hoc advisory committees pursuant to G.S. 77-94 ~~in addition to the North Carolina Roanoke River Basin Advisory Committee established pursuant to Part 2 of this Article~~ and the Virginia Roanoke River Basin Advisory Committee established pursuant to Chapter 5.4 of Title 62.1 of the Code of Virginia, which shall be constituted in a manner to ensure a balance between recognized interests. The Commission shall determine the purpose of each advisory committee.

...."

MARINE FISHERIES COMMISSION

SECTION 3.10. G.S. 143B-289.52 reads as rewritten:

"§ 143B-289.52. Marine Fisheries Commission – powers and duties.

(e1) A supermajority of the Commission shall be six members. A supermajority shall be necessary to override recommendations from the Division of Marine Fisheries regarding measures needed to end overfishing or to rebuild overfished stocks."

PART IV. EFFECTIVE DATE.

SECTION 4.1. The Revisor of Statutes is authorized to make conforming changes necessary to correct any reference or citations in the General Statutes that is amended by this act by deleting the incorrect references and substituting correct references.

SECTION 4.2 Unless otherwise provided, this act is effective when it becomes law.

We removed 11 BCLs

Section
in bill

	A	B	C	D
1	Section 1 (Boards and Commissions to be eliminated)			
2	Board Name	Current #	New #	# Eliminated
3	Governor's Advisory Council on Aging 1.2	33	0	33
4	North Carolina Agricultural Hall of Fame Board of Directors 1.3	8	0	8
5	North Carolina Agriculture and Forestry Awareness Study Commission 1.4	17	0	17
6	America's Four Hundredth Anniversary Commission 1.5	14	0	14
7	Commission of Anatomy 1.6	5	0	5
8	North Carolina Apprenticeship Council 1.7	14	0	14
9	North Carolina Art Society, INC. 1.8	23	0	23
10	Consumer and Advocacy Advisory Committee for the Blind 1.9	14	0	14
11	Blount St. Historic District Oversight Committee 1.10	8	0	8
12	North Carolina Capital Planning Commission 1.11	20	0	20
13	North Carolina Center for Nursing 1.12	16	0	16
14	North Carolina Community Development Council 1.13	11	0	11
15	Continuing Education Advisory Committee 1.14	18	0	18
16	North Carolina Board of Correction 1.15	14	0	14
17	North Carolina Courts Commission 1.16	28	0	28
18	Committee on Dropout Prevention 1.17	15	0	15
19	Secretary of State's Advisory Council on Electronic Notary Standards 1.18	20	0	20
20	Employment Security Advisory Councils 1.19	15	0	15
21	North Carolina Farmworker Council 1.20	13	0	13
22	North Carolina Housing Coordination and Policy Council (formerly North Carolina Housing Partnership) 1.21	13	0	13
23	Governors' Management Council 1.22	0	0	0
24	Legislative Commission on Methamphetamine Abuse 1.23	22	0	22
25	Mine Safety and Health Advisory Council 1.24	11	0	11
26	Motor Vehicle Dealer's Advisory Board 1.25	6	0	6
27	Mountain Area Resources Technical Advisory Council 1.26	13	0	13
28	Mountain Resources Commission 1.27	17	0	17
29	Board of Public Telecommunications Commissioners of the North Carolina Agency for Public Telecommunications 1.28	27	0	27
30	Board of Directors Certification Entity for Phase II Settlement Fund Certification Board 1.29	11	0	11

	A	↓ B	C	D
31	North Carolina Small Business Contractor Authority	1.30 11	0	11
32	Joint Legislative Commission on the Department of Transportation Disadvantaged Minority-Owned and Women Owned Business Program	1.31 12	0	12
33	North Carolina Brain Injury Advisory Council	1.32 33	0	33
34	North Carolina Child Fatality Task Force	1.33 35	0	35
35	Justus Warren Heart Disease and Stroke Prevention Task Force	1.34 27	0	27
36				
37	Legislative Taskforce on Childhood Obesity	1.35 9	0	9
38	Commission to Study the Governance and Adequacy of the Investment Authority of Various State-owned funds for the Purposes of Enhancing the Return on Investments	1.35 18	0	18
39	"More at Four" Pre-K Taskforce	1.35 0	0	0
40	National Heritage Area Designation Committee	1.35 17	0	17
41	Pilot Accreditations Advisory Board	1.35 15	0	15
42	Public Funding of State Elections Commissions	1.35 10	0	10
43	Legislative Commission on Global Climate Change	1.35 34	0	34
44				
45	Totals	673	0	673
46				
47				
48	Section 2 (Boards and Commissions to be downsized)			
49	Board Name	Current #	New #	# eliminated
50				
51	North Carolina Arts Council	2.1 24	12	12
52	Coastal Resources Advisory Council	2.2 45	26	19
53	North Carolina Council for the Deaf and Hard of Hearing	2.3 28	19	9
54	North Carolina Economic Development Board	2.4 39	22	17
55	North Carolina Financial Literacy Council	2.5 18	10	8
56	North Carolina Forestry Council	2.6 18	12	6
57	North Carolina Geographic Information Coordinating Council	2.7 35	22	13
58	Governor's Crime Commission	2.8 38	23	15

section
in b-11
↓

sunset in 2015

sunset in 2015

sunset in 2015

1.35 +36

1.35 +37

1.35 +38

1.35 +39

1.35 +40

1.35 +41

Section
in bill

	A	B	C	D
59	North Carolina Human Relations Commission	2.9	22	11
60	North Carolina Internship Council	2.10	17	13
61	State Library Commission	2.11	15	12
62	Local Health Department Accreditation Board	2.12	17	9
63	Marine Fisheries Commission Advisory Committees (listed in subsequent 2 lines)	2.13		8
	3 Regional Marine Fisheries Commissions ACs (Northern, Southern, Central) will be merged into 2			
64	ACs (Northern, Southern)	2.14	33	22
65	Shellfish and Crustacean Marine Fisheries AC's will be merged into 1 AC	2.15	22	11
66	North Carolina Advisory Commission on Military Affairs	2.16	21	15
67	Minority Health Advisory Council	2.17	15	9
68	North Carolina Museum of Art, Board of Trustees	2.18	29	18
69	North Carolina Board of Science and Technology	2.19	19	15
70	State Youth Advisory Council	2.20	20	10
71	North Carolina Agricultural Finance Authority	2.21	10	7
72	North Carolina Childcare Commission	2.22	17	15
73	North Carolina Coastal Resources Commission	2.23	15	11
74	Domestic Violence Commission	2.24	39	19
75	Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services	2.25	32	19
76	North Carolina Partnership for Children, INC.	2.26	26	20
77	Commission for Public Health	2.27	13	11
78	University of North Carolina Center for Public Television Board of Trustees	2.28	22	13
79	Social Services Commission	2.29	13	9
80	North Carolina Textbook Commission	2.30	23	16
81	Tobacco Trust fund Commission	2.31	18	15
82	North Carolina Institute of Medicine, Board of Directors	2.32	18	11
83	North Carolina Council for Women	2.33	20	11
84	North Carolina Commission on Workforce Development	2.34	38	18
85	Environmental Management Commission	2.35	19	13
86				
87	Totals	Current #	New #	# eliminated
88		798	499	299
89				

	A	B	C	D
90	Totals 1+2	Current #	New #	# eliminated
91		1471	499	972
92				
93				
94	Estimated Savings= \$770 *972= \$748,440 per year			
95				
96	Section 3	Section in bill		
97	Board Name			
98	E-NC Authority	3.1		
99	Early Childhood Vision Conforming Change	3.2		
100	Employee Hospital and Medical Benefits	3.3		
101	North Carolina Cemetery Commission	3.4		
102	Director of the Museum of Art	3.5		
103	North Carolina Board of Licensing of Soil Scientists	3.6		
104	State Board of Examiners of Electrical Contractors	3.7		
105	Board Funeral Service	3.8		
106	Roanoke River Basin Bi-State Commission	3.10		
107	Marine Fisheries Commission	3.11		

VISITOR REGISTRATION SHEET

SENATE

Program Evaluation Committee

Name of Committee

June 5, 2012

Date

noon

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
HUBH Tison	NCHA
Kristen Baughman	NCHA & CS
JBF	NCTB
Stuart Brooks	Ward and Smith
Mike Hunter	Chase Properties, Inc.
Ryan Draughn	NC League of Muni.
Clay Pittman	NC Dem Party
Weldon Jones	Jordan, Price
Joy Miller	NCHA
Aubrey Inocencia	NC Dept. of Commerce

VISITOR REGISTRATION SHEET

SENATE
Program Evaluation Committee
Name of Committee

June 5, 2012
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Crawford	AIA NC
Shannon Arata	NC Conservation Network
Neel Fournier	Young Moore & Henderson
Robbie Brooks	NCCO of Exonics of Electrical Contractors
Mary Beth	AAEP - NC
John Tallent	Progress NC
Susan Harrison	NCNA
Betsy Bailey	PENC
Wren Pampartz	NCHFA
Lucius PULLER	COUNSEL NCIA
Rusty Lynn	NCCA, VP

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID BARNES	PS
~~Man Munch~~	~~PS~~
Art Britt	NCDOL
Jennifer Hargwood	NCDOL
Sarah Kuwce	NCDOL
Heathly Bawt	Williams Mullen
Amy White	NCMS
Herb Crenshaw	AT&T
Chyzy	NCMS
Karl Krapp	NCLM
Sarah Preston	ACLU-NC

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alco Miller	KLG
Paul Foglia	HTGAC
Latoria Strickland	NACC
Mike Cashion	NC Chamber
Dan Haly	NCPA
Kara Weishaar	SA
Dana Simpson	SA
Chip Killian	Nelson Mullins
Martez Hill	NC State Bd of Ed
Matt Gandy	NCSBA
Angie Maier	NCLC

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
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NAME	FIRM OR AGENCY AND ADDRESS
Becki Gray	John Locke Foundation
Tim Johnson	ITS - Center for Geo Info & Analysis
Dan Conrad	NCCN
Penn Droyhill	WCSR
Cassidy Nolan	NCCN
Richard Tarcon	NC 911 Board
Gabriell Virles	NC DENR
Katie Spidalieri	NC DENR
Diana Kees	DENR
Susan Camilleri	NC DOA
Christy Agner	NC DOA

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
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NAME	FIRM OR AGENCY AND ADDRESS
Tom Bean	EDE
Rose Hoban	NC Home News
Bryce Lowder	NMRS
ZEB ALLEY	NMRS
Harry Lynn	MWC
JOE LANIER	NELSON MULLINS
Jeremy Freifeld	Nelson Mullins
Laetitia Cheltenham	NMRS
Allison Waller	Nelson Mullins
Preston Lowndes	MCIC
Lisa Merben	NC Home Builders

VISITOR REGISTRATION SHEET

SENATE
Program Evaluation Committee
Name of Committee

June 5, 2012
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Annette Ethridge

NC Child Care Coalition

David Knight

DENR

Matt Gross

NC PC

~~VERIANNE~~

~~GAVIN~~

UNC

Tony Rome

NC REC

Bliss Kite

NC Utilities Commis. - Raleigh NC

Glenda Peene

DHHS - SS

Melanie Siler

DER

Sam Hunter

DER

Kristine

DHHS

May Made Abill

SELC

VISITOR REGISTRATION SHEET

SENATE

Program Evaluation Committee

Name of Committee

June 5, 2012

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charles Friddle	Wake County Geographic Information Services
Anne Payne	11
Thomas Mickey	NC VETERINARY MEDICAL BOARD
Ken Wheeler	11
Julie Stamper	Pasquotank County / GLCC - LGC
Marc Burris	NC SBE
Kay Paksoy	NASW-NC
Elizabeth Hudgins	CFTF
Karen McLeod	Beachwalkers
Andrew Cagle	NC Sheriffs' Assn.
Mick Ben	NC DOR

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sasanna Davis	Gov Office
Libby Puckett	Retired from NC-DPH
Betsy Vetter	American Heart Assn
Roy O'Connell	Justice Warren HOSPITAL
Lee Mandell	GICC - Chair
David Elmore	Moore + Van Allen
DAVID REE	MFS
Doug Miskew	PSG
Jim Bohrer	BSA
Joe McKinney	Land-Sky Regional Council Asheville, NC
John Maynard	GLM + Assoc

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

David Ferrell

NETA

Elise Quick

Troutman Sanders

Jan carr

Jordan Price Law Firm

SENATE PAGES ATTENDING

COMMITTEE: Program Evaluation ROOM: 544
 DATE: 6-5 TIME: Noon

PLEASE, PRINT LEGIBLY!!!!!!!!!!!!!!

Page	Name	Hometown	Sponsoring Senator
1	Davis McKinney	Spruce Pine	Ralph Hise
2	Brock McKinney	Arden	Tom Apodaca
3	Meghan Breden	Wilkesboro	Dan Soucek
4	McKinnon Martin	Rutherfordton	Nesbitt
5	Hunter Wainwright	Old Fort	Ralph Hise
6	Luke Glenn	Marion, NC	Ralph Hise
7	McKayla McNeill	Lake Waccamaw NC	Bill Haden
8	Shelby Cartet	Whiteville NC	Bill Haden
9	Emma Blackwell	Roanoke Rapids, NC	Ed Jones
10	Kate Finlayson	New Bern	Preston

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

3:00 pm 6/5/12

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tommy Stevens	NCPc
Susan Harrison	
Joann Stevens	Stevens Lobby
Adam Stallings	NCREC
Elise Quick	Trounace Associates
Rusty Sym	NCCA, EUP
Lucius Puller	Command, NCCA
Cameron Enin	Gov. Office
Stuart Brooks	Ward and Smith
Anne Murtha	DCR
Kara Weishaar	SA

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

1. Aug 2

Ed Connelley

DS

Linda Pearsall

DENR

James J. Cronin TM

Speaker Tills

VISITOR REGISTRATION SHEET

Senate
Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lee Mandell	Chair, GICC
Tim Johnson	ITS-CGIA
Gay O'Connell	Marching Pines
Clare FitzGerald	DENR
Elizabeth Hodgins	CFTF
Karen McLeod	Benevolent
Annaliese Dolph	DRNC
Mary Beth	AARP-NC
Robbie Brooks	NCBEEC
Robert Brown	MCIC
Lisa Martin	NC HBA

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
<i>[Signature]</i>	MWC
<i>Kathy Hawkins</i>	Duke
<i>Bill Phillips</i>	TWC
<i>Sammy Roberson</i>	TWC
<i>Chris Kachadoorian</i>	ENV NC
<i>Matt Gross</i>	NCR
<i>Rich Frank</i>	young moore
<i>May Mabe</i>	SELC
<i>Dan Conrad</i>	NCCN
<i>Erin Wynia</i>	NCLM
<i>Susan Camilleri</i>	NCDOTA

VISITOR REGISTRATION SHEET

Program Evaluation Committee

Name of Committee

Date .

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Sarah Preston

ACLU-NC

DAVID BARNES

PS

SENATE PAGES ATTENDING

COMMITTEE: Program Evaluation ROOM: 544/203
 DATE: 6-5 TIME: 3:50

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!

Page	Name	Hometown	Sponsoring Senator
1	Emma Blackwell	Roanoke Rapids NC	Senator Jones
2	Ruth Jackson	Harrisburg	Mr. Hartsell
3	Hunter Wainwright	Old Fort	Senator Hise
4	Luke Glenn	Marian, NC	Ralph Hise
5	Alyssa Smith	Morganton	Warren Daniel
6	Meaghan Breden	Wilkesboro	Dan Soucek
7			
8			
9			
10			

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Committee Sergeants at Arms

NAME OF COMMITTEE PED

DATE: 6-5-12 Room: 544

House Sgt-At Arms:

1. Name: ~~DONNA BLAKE~~

2. Name: ~~KEN KIRBY~~

3. Name: ~~JON~~

4. Name: _____

5. Name: _____

Senate Sgt-At Arms:

1. Name: DONNA BLAKE

2. Name: KEN KIRBY

3. Name: JON FITCHETT

4. Name: _____

5. Name: _____