

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 739
SENATE BILL 801

AN ACT TO FURTHER PROVIDE FOR THE SEPARATION OF POWERS BETWEEN THE LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT BY PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE RATHER THAN THE LIEUTENANT GOVERNOR SHALL MAKE APPOINTMENTS TO CERTAIN LEGISLATIVE COMMISSIONS AND COMMITTEES AND RETURNING EXCLUSIVE CONTROL OF THE USE OF LEGISLATIVE BUILDINGS TO THE LEGISLATIVE SERVICES COMMISSION.

Whereas, (1) the President of the Senate makes or recommends appointments to the North Carolina Courts Commission; and

Whereas, (2) the President of the Senate makes or recommends appointments to the Juvenile Law Study Commission; and

Whereas, (3) the President of the Senate makes or recommends appointments to the Crime Victims Compensation Commission; and

Whereas, (4) the President of the Senate makes or recommends appointments to the North Carolina Criminal Justice Education and Training Standards Commission; and

Whereas, (5) the President of the Senate makes or recommends appointments to the North Carolina Sheriffs' Education and Training Standards Commission; and

Whereas, (6) the President of the Senate makes or recommends appointments to the Motor Vehicle Dealers' Advisory Board; and

Whereas, (7) the President of the Senate makes or recommends appointments to the State Banking Commission; and

Whereas, (8) the President of the Senate makes or recommends appointments to the Public Officers and Employees Liability Insurance Commission; and

Whereas, (9) the President of the Senate makes or recommends appointments to the Board of Governors of the North Carolina Health Care Excess Liability Fund; and

Whereas, (10) the President of the Senate makes or recommends appointments to the North Carolina Health Insurance Trust Commission; and

Whereas, (11) the President of the Senate makes or recommends appointments to the State Fire and Rescue Commission; and

Whereas, (12) the President of the Senate in certain circumstances makes or recommends appointments to the North Carolina Utilities Commission; and

Whereas, (13) the President of the Senate makes or recommends appointments to the Private Protective Services Board; and

Whereas, (14) the President of the Senate makes or recommends appointments to the Alarm Systems Licensing Board; and

Whereas, (15) the President of the Senate makes or recommends appointments to the Disciplinary Hearing Commission; and

Whereas, (16) the President of the Senate makes or recommends appointments to the State Board of Cosmetic Art Examiners; and

Whereas, (17) the President of the Senate makes or recommends appointments to the State Board of Chiropractic Examiners; and

Whereas, (18) the President of the Senate makes or recommends appointments to the North Carolina Veterinary Medical Board; and

Whereas, (19) the President of the Senate makes or recommends appointments to the State Board of Therapeutic Recreation Certification; and

Whereas, (20) the President of the Senate makes or recommends appointments to the Southern States Energy Board; and

Whereas, (21) the President of the Senate makes or recommends appointments to the Advisory Committee to the North Carolina Members of the Low-Level Radioactive Waste Management Compact Commission; and

Whereas, (22) the President of the Senate makes or recommends appointments to the North Carolina Low-Level Radioactive Waste Management Authority; and

Whereas, (23) the President of the Senate makes or recommends appointments to the Milk Commission; and

Whereas, (24) the President of the Senate makes or recommends appointments to the Northeastern Farmers Market Commission; and

Whereas, (25) the President of the Senate makes or recommends appointments to the Southeastern Farmers Market Commission; and

Whereas, (26) the President of the Senate makes or recommends appointments to the Recreation and Natural Heritage Trust Fund Board of Trustees; and

Whereas, (27) the President of the Senate makes or recommends appointments to the North Carolina Seafood Industrial Park Authority; and

Whereas, (28) the President of the Senate makes or recommends appointments to the Energy Policy Council; and

Whereas, (29) the President of the Senate makes or recommends appointments to the State School Health Advisory Committee; and

Whereas, (30) the President of the Senate makes or recommends appointments to the Council on Educational Services for Exceptional Children; and

Whereas, (31) the President of the Senate makes or recommends appointments to the State Advisory Council on Indian Education; and

Whereas, (32) the President of the Senate makes or recommends appointments to the North Carolina Teaching Fellows Commission; and

Whereas, (33) the President of the Senate makes or recommends appointments to the Commission on School Facility Needs; and

Whereas, (34) the President of the Senate makes or recommends appointments to the Educational Facilities Finance Agency; and

Whereas, (35) the President of the Senate makes or recommends appointments to the Board of Trustees of The University of North Carolina Center for Public Television; and

Whereas, (36) the President of the Senate makes or recommends appointments to the NCCAT Board of Trustees; and

Whereas, (37) the President of the Senate makes or recommends appointments to the Board of Trustees of North Carolina School of Science and Mathematics; and

Whereas, (38) the President of the Senate makes or recommends appointments to the Board of Directors of the Arboretum; and

Whereas, (39) the President of the Senate makes or recommends appointments to the Commission on Children with Special Needs; and

Whereas, (40) the President of the Senate makes or recommends appointments to the Joint Legislative Utility Review Committee; and

Whereas, (41) the President of the Senate makes or recommends appointments to the Joint Select Committee on Low-Level Radioactive Waste; and

Whereas, (42) the President of the Senate makes or recommends appointments to the Environmental Review Commission; and

Whereas, (43) the President of the Senate makes or recommends appointments to the Legislative Ethics Committee; and

Whereas, (44) the President of the Senate makes or recommends appointments to the Legislative Committee on New Licensing Boards; and

Whereas, (45) the President of the Senate makes or recommends appointments to the Agriculture, Forestry, and Seafood Awareness Study Commission; and

Whereas, (46) the President of the Senate makes or recommends appointments to the Joint Legislative Commission on Municipal Incorporations; and

Whereas, (47) the President of the Senate makes or recommends appointments to the North Carolina Study Commission on Aging; and

Whereas, (48) the President of the Senate makes or recommends appointments to the North Carolina Housing Finance Agency; and

Whereas, (49) the President of the Senate makes or recommends appointments to the North Carolina Agricultural Finance Authority; and

Whereas, (50) the President of the Senate makes or recommends appointments to the North Carolina Housing Partnership; and

Whereas, (51) the President of the Senate makes or recommends appointments to the Governor's Council on Physical Fitness and Health; and

Whereas, (52) the President of the Senate makes or recommends appointments to the North Carolina Medical Database Commission; and

Whereas, (53) the President of the Senate makes or recommends appointments to the Board of Trustees Teachers' and State Employees' Retirement System; and

Whereas, (54) the President of the Senate makes or recommends appointments to the Committee on Employee Hospital and Medical Benefits; and

Whereas, (55) the President of the Senate makes or recommends appointments to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan; and

Whereas, (56) the President of the Senate makes or recommends appointments to the Board of Trustees of the North Carolina Museum of Art; and

Whereas, (57) the President of the Senate makes or recommends appointments to the Advisory Budget Commission; and

Whereas, (58) the President of the Senate makes or recommends appointments to the State Building Commission; and

Whereas, (59) the President of the Senate makes or recommends appointments to the North Carolina Code Officials Qualification Board; and

Whereas, (60) the President of the Senate makes or recommends appointments to the North Carolina Wildlife Resources Commission; and

Whereas, (61) the President of the Senate makes or recommends appointments to the North Carolina Office of Local Government Advocacy; and

Whereas, (62) the President of the Senate makes or recommends appointments to the Emergency Medical Services Advisory Council; and

Whereas, (63) the President of the Senate makes or recommends appointments to the Committee on Inaugural Ceremonies; and

Whereas, (64) the President of the Senate makes or recommends appointments to the Administrative Rules Review Commission; and

Whereas, (65) the President of the Senate makes or recommends appointments to the Art Museum Building Commission; and

Whereas, (66) the President of the Senate makes or recommends appointments to the Advisory Committee on Abandoned Cemeteries; and

Whereas, (67) the President of the Senate makes or recommends appointments to the Andrew Jackson Historic Memorial Committee; and

Whereas, (68) the President of the Senate makes or recommends appointments to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services; and

Whereas, (69) the President of the Senate makes or recommends appointments to the Consumer and Advocacy Advisory Committee for the Blind; and

Whereas, (70) the President of the Senate makes or recommends appointments to the Child Day-Care Commission; and

Whereas, (71) the President of the Senate makes or recommends appointments to the Governor's Advisory Council on Aging; and

Whereas, (72) the President of the Senate makes or recommends appointments to the North Carolina Council on the Holocaust; and

Whereas, (73) the President of the Senate makes or recommends appointments to the Property Tax Commission; and

Whereas, (74) the President of the Senate makes or recommends appointments to the Substance Abuse Advisory Council; and

Whereas, (75) the President of the Senate makes or recommends appointments to the Environmental Management Commission; and

Whereas, (76) the President of the Senate makes or recommends appointments to the Governor's Waste Management Board; and

Whereas, (77) the President of the Senate makes or recommends appointments to the Board of Transportation; and

Whereas, (78) the President of the Senate makes or recommends appointments to the North Carolina Capital Planning Commission; and

Whereas, (79) the President of the Senate makes or recommends appointments to the North Carolina Council on Interstate Cooperation; and

Whereas, (80) the President of the Senate makes or recommends appointments to the North Carolina Human Relations Commission; and

Whereas, (81) the President of the Senate makes or recommends appointments to the Governor's Advocacy Council for Persons with Disabilities; and

Whereas, (82) the President of the Senate makes or recommends appointments to the North Carolina State Commission of Indian Affairs; and

Whereas, (83) the President of the Senate makes or recommends appointments to the Governor's Advocacy Council on Children and Youth; and

Whereas, (84) the President of the Senate makes or recommends appointments to the North Carolina Internship Council; and

Whereas, (85) the President of the Senate makes or recommends appointments to the North Carolina Public Employee Deferred Compensation Plan; and

Whereas, (86) the President of the Senate makes or recommends appointments to the North Carolina Farmworker Council; and

Whereas, (87) the President of the Senate makes or recommends appointments to the North Carolina Board of Science and Technology; and

Whereas, (88) the President of the Senate in certain circumstances makes or recommends appointment of the State Controller; and

Whereas, (89) the President of the Senate makes or recommends appointments to the North Carolina Agency for Public Telecommunications; and

Whereas, (90) the President of the Senate makes or recommends appointments to the North Carolina State Ports Authority; and

Whereas, (91) the President of the Senate makes or recommends appointments to the North Carolina Technological Development Authority; and

Whereas, (92) the President of the Senate makes or recommends appointments to the Governor's Crime Commission; and

Whereas, (93) the President of the Senate makes or recommends appointments to the Local Government Commission; and

Whereas, (94) the President of the Senate makes or recommends appointments to the General Statutes Commission; and

Whereas, (95) the President of the Senate makes or recommends appointments to the North Carolina Sentencing and Policy Advisory Commission; and

Whereas, the three boards named in the body of this act have Senators as members; and

Whereas, it has been suggested that the President Pro Tempore of the Senate make these appointments; Now, therefore,

The General Assembly of North Carolina enacts:

~~–JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE~~

Section 1. G.S. 120-70.2 reads as rewritten:

"§ 120-70.2. Appointment of members and organization.

The Joint Committee shall consist of six sitting members of the General Assembly. Three shall be appointed by the President Pro Tempore of the Senate from the membership of the Senate and three shall be appointed by the Speaker of the House of Representatives from the membership of the House. Members will serve at the pleasure of their appointing officer and any vacancies occurring on the Joint Committee shall be filled by the presiding officer of the appropriate house. ~~The initial membership of the Joint Committee shall consist of the membership of the Utility Review Committee on June 28, 1985. A Senate cochairman and a House cochairman shall be elected by the Joint Committee from among its members.~~ The President Pro Tempore of the Senate shall designate one Senator to serve as cochairman and the Speaker of the House of Representatives shall designate one Representative to serve as cochairman. A quorum shall consist of four members."

Sec. 2. G.S. 120-70.3(8) reads as rewritten:

"(8) To undertake such additional studies or evaluations as may, from time to time, be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Legislative Research Commission, or either House of the General Assembly."

~~–JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE WASTE~~

Sec. 3. G.S. 120-70.32 reads as rewritten:

"§ 120-70.32. Membership; cochairmen; vacancies; quorum.

The Joint Select Committee shall consist of six Senators appointed by the President Pro Tempore of the Senate and six Representatives appointed by the Speaker of the House of Representatives who shall serve at the pleasure of their appointing officer. The President Pro Tempore of the Senate shall designate one Senator to serve as cochairman and the Speaker of the House of Representatives shall designate one Representative to serve as cochairman. Any vacancy which occurs on the Joint Select Committee shall be filled in the same manner as the original appointment. A quorum of the Joint Select Committee shall consist of seven members."

Sec. 4. G.S. 120-70.33(8) reads as rewritten:

"(8) To undertake such additional studies as it deems appropriate or as may from time to time be requested by ~~the President of the Senate,~~ the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, the Environmental Review Commission, or the Joint Legislative Utility Review Committee, and to make such

reports and recommendations to the General Assembly regarding such studies as it deems appropriate."

–ENVIRONMENTAL REVIEW COMMISSION

Sec. 5. G.S. 120-70.42 reads as rewritten:

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

The Environmental Review Commission shall consist of five Senators appointed by the President Pro Tempore of the Senate, ~~the Chairman of the Senate Committee on Environment and Natural Resources,~~ five Representatives appointed by the Speaker of the House of Representatives, ~~and the Chair of the House of Representatives Committee on Basic Resources~~ who shall serve at the pleasure of their appointing ~~officer.~~ officer, the Chairman of the Senate Committee on Environment and Natural Resources, and the Chairman of the House of Representatives Committee on the Environment. The President Pro Tempore of the Senate shall designate one Senator to serve as cochairman and the Speaker of the House of Representatives shall designate one Representative to serve as cochairman. Any vacancy which occurs on the Environmental Review Commission shall be filled in the same manner as the original appointment. A quorum of the Environmental Review Commission shall consist of seven members."

Sec. 6. G.S. 120-70.43(7) reads as rewritten:

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

–NORTH CAROLINA COURTS COMMISSION

Sec. 7. G.S. 7A-506 reads as rewritten:

"§ 7A-506. Creation; members; terms; qualifications; vacancies.

(a) The North Carolina Courts Commission is hereby created. Effective July 1, 1983, it shall consist of 24 members, six to be appointed by the Governor, six to be appointed by the Speaker of the House of Representatives, six to be appointed by the President Pro Tempore of the Senate, and six to be appointed by the Chief Justice of the Supreme Court.

(b) Of the appointees of the Chief Justice of the Supreme Court, one shall be a Justice of the Supreme Court, one shall be a Judge of the Court of Appeals, two shall be judges of superior court, and two shall be district court judges.

(c) Of the six appointees of the Governor, one shall be a district attorney, one shall be a practicing attorney, one shall be a clerk of superior court, at least three shall be members or former members of the General Assembly, and at least one shall not be an attorney.

(d) Of the six appointees of the Speaker of the House, at least three shall be practicing attorneys, at least three shall be members or former members of the General Assembly, and at least one shall not be an attorney.

(e) Of the six appointees of the President Pro Tempore of the Senate, at least three shall be practicing attorneys, at least three shall be members or former members of the General Assembly, and at least one shall be a magistrate.

(f) Of the initial appointments of each appointing authority, three shall be appointed for four-year terms to begin July 1, 1983, and three shall be appointed for two-year terms to begin July 1, 1983. Successors shall be appointed for four-year terms.

(g) A vacancy in membership shall be filled for the remainder of the unexpired term by the appointing authority who made the original appointment. A member whose term expires may be reappointed."

–JUVENILE LAW STUDY COMMISSION

Sec. 8. G.S. 7A-740 reads as rewritten:

"§ 7A-740. Creation; members; terms; qualifications; vacancies.

(a) The Juvenile Law Study Commission is hereby created. It shall consist of 18 voting members, 14 to be appointed by the Governor, two by the President Pro Tempore of the Senate, and two by the Speaker of the House of Representatives. The members appointed by the President Pro Tempore of the Senate shall be members of the Senate at the time of their appointment; the members appointed by the Speaker of the House of Representatives shall be members of the House of Representatives at the time of their appointment. Of the members appointed by the Governor, two shall be district court judges, one from an urban district, one from a rural. Three shall be a chief court counselor and two court counselors representing the Intake Division, one from an urban district, one from a rural. Two shall be from Social Services, one from the State level and one from the county. One shall be from the Division of Youth Services. One shall be from a local facility of Community Based Alternatives. One shall be a youth member representing the youth of the State who shall be a person under the age of 21 at the time of the appointment, who shall serve for one year. One shall be a State or local representative of the Guardian Ad Litem Services of the Administrative Office of the Courts, who shall serve for two years. One shall be from Law Enforcement. One shall be from the North Carolina Juvenile Detention Association. One shall be the member of the Juvenile Justice Planning Committee of the Governor's Crime Commission recommended for appointment by the Juvenile Justice Planning Committee and shall serve for three years. The district court judges and the Social Services members shall serve for three years. The chief court counselor and the court counselors shall serve for two years. The representatives from the Division of Youth Services, Law Enforcement, Community Based Alternatives, and the Juvenile Detention Association shall serve for

one year. The legislative members shall serve for two-year terms. All initial terms shall begin July 1, 1980.

(b) A vacancy in membership shall be filled by the appointing authority who made the initial appointment. When the members' terms expire, their successors shall serve for the same length of time their predecessors served. A member whose term expires may be reappointed. If, when a term expires, the appointing authority has not filled the vacancy, the member whose term has expired shall continue to serve until the appointment is made."

–SOUTHERN STATES ENERGY BOARD

Sec. 9. G.S. 104D-2(a)(3) reads as rewritten:

"(3) One member of the Senate to be appointed by the President Pro Tempore of the Senate."

–ENERGY POLICY COUNCIL

Sec. 10. G.S. 113B-3(a)(2) reads as rewritten:

"(2) Two members of the North Carolina Senate to be appointed by the President Pro Tempore of the Senate;".

–STATE SCHOOL HEALTH ADVISORY COMMITTEE

Sec. 11. G.S. 115C-81(e)(6)c. reads as rewritten:

"c. The committee shall consist of 17 members: 10 appointed by the Governor, two by the State Board of Education, one by the Speaker of the House of Representatives, one by the President Pro Tempore of the Senate, and three ex officio members: the Chief, Office of Health Education, Department of Human Resources; the Chief, State Health Planning and Development Agency, Department of Human Resources; and the Superintendent of Public Instruction, or their designees. The Governor's appointees shall be named in the following manner: one physician from a list of three names submitted by the North Carolina Medical Society; one physician from a list of three names submitted by the North Carolina Pediatric Society; one physician from a list of three names submitted by the North Carolina Chiropractic Association; one registered nurse from a list of three names submitted by the North Carolina Nurses' Association; one dentist from a list of three names submitted by the North Carolina Dental Society; one member from a list of three names submitted by the North Carolina Medical Auxiliary; one member from a list of three names submitted by the North Carolina Congress of Parents and Teachers, Inc.; one member from a list of three names submitted by the North Carolina Association for Health, Physical Education, and Recreation; one member from a list of three names submitted

by the North Carolina Public Health Association; one member from a list of three names submitted by the North Carolina College Conference on Professional Preparation in Health and Physical Education. The State Board nominees shall represent local school administrative units and shall have been recommended by the Superintendent of Public Instruction. The Speaker's nominee shall be a member of the North Carolina House of Representatives and the President Pro Tempore of the Senate's nominee shall be a member of the Senate."

–COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN

Sec. 12. G.S. 115C-121(b) reads as rewritten:

"(b) The Council shall consist of 17 members to be appointed as follows: two members appointed by the Governor; two members of the Senate appointed by the ~~Lieutenant Governor~~ President Pro Tempore; two members of the House of Representatives appointed by the Speaker of the House; and 11 members appointed by the State Board of Education. Of those members of the Council appointed by the State Board one member shall be selected from each congressional district within the State, and the members so selected shall be composed of at least one person representing each of the following: handicapped individuals, parents or guardians of children with special needs, teachers of children with special needs, and State and local education officials and administrators of programs for children with special needs. The Council shall designate a chairperson from among its members. The designation of the chairperson is subject to the approval of the State Board of Education. The board shall promulgate rules or regulations to carry out this subsection.

Ex officio members of the Council shall be the following:

- (1) The Secretary of the Department of Human Resources or the Secretary's designee;
- (2) The Secretary of the Department of Correction or the Secretary's designee;
- (3) A representative from The University of North Carolina Planning Consortium for Children with Special Needs; and
- (4) The Superintendent of Public Instruction or the Superintendent's designee.

The term of appointment for all members except those appointed by the State Board of Education shall be for two years. The term for members appointed by the State Board of Education shall be for four years. No person shall serve more than two consecutive four-year terms.

Each Council member shall serve without pay, but shall receive travel allowances and per diem in the same amount provided for members of the North Carolina General Assembly."

–STATE ADVISORY COUNCIL ON INDIAN EDUCATION

Sec. 13. G.S. 115C-210.1(a) reads as rewritten:

"(a) Two legislative members (one senator appointed by the President Pro Tempore of the Senate and one representative appointed by the Speaker of the House);".

–COMMISSION ON CHILDREN WITH SPECIAL NEEDS

Sec. 14. G.S. 120-58 reads as rewritten:

"§ 120-58. Creation; appointment of members.

There is created a Commission on Children with Special Needs to consist of three Senators and one physician licensed to practice in the State of North Carolina, and who is actively involved in the private practice of pediatrics, appointed by the President Pro Tempore of the Senate, three Representatives and one public member appointed by the Speaker of the House, and three parents of children with special needs and one public member appointed by the Governor."

–LEGISLATIVE ETHICS COMMITTEE

Sec. 15. G.S. 120-99 reads as rewritten:

"§ 120-99. Creation; composition.

The Legislative Ethics Committee is created to consist of a chairman and eight members, four Senators appointed by the President Pro Tempore of the Senate, two from a list of four submitted by the Majority Leader and two from a list of four submitted by the Minority Leader, and four members of the House of Representatives appointed by the Speaker of the House, two from a list of four submitted by the Majority Leader and two from a list of four submitted by the Minority Leader.

The President Pro Tempore of the Senate shall designate a member of the General Assembly as chairman of the Committee in odd-numbered years, and the Speaker of the House shall designate a member of the General Assembly as chairman of the Committee in even-numbered years. The chairman will vote only in the event of a tie vote.

The provisions of G.S. 120-19.1 through G.S. 120-19.8 shall apply to the proceedings of the Legislative Ethics Committee as if it were a joint committee of the General Assembly, except that the chairman shall sign all subpoenas on behalf of the Committee."

–LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

Sec. 16. G.S. 120-149.6 reads as rewritten:

"§ 120-149.6. Legislative Committee on New Licensing Boards.

(a) The Legislative Committee on New Licensing Boards is created to consist of a Chairman and eight members, four Senators appointed by the President Pro Tempore of the Senate, four members of the House of Representatives appointed by the Speaker of the House and the Chairman to be appointed as provided herein.

(b) The President Pro Tempore of the Senate shall appoint a member of the Senate as Chairman upon the effective date of this Article who shall serve a term beginning with the effective date of this Article and expiring upon the organization of the General Assembly in 1989. Thereafter, the Speaker of the House and the President Pro Tempore of the Senate shall alternate the appointment of the Chairman to serve

during each biennial session of the General Assembly. The Chairman may vote only in the event of a tie vote. The members of the Committee shall likewise serve biennial terms. If the office of Chairman or any member shall become vacant, the vacancy shall be filled for the unexpired term by the authority making the initial appointment. Five members shall constitute a quorum of the Committee.

(c) The Committee may meet on days when the members of the General Assembly are entitled to subsistence pursuant to G.S. 120-3.1. The Committee is authorized to use the facilities of the State Legislative Building and Legislative Office Building. Clerical and professional staff shall be provided by the Legislative Services Commission."

–JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS

Sec. 17. G.S. 120-158(b) reads as rewritten:

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

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners."

–NORTH CAROLINA STUDY COMMISSION ON AGING

Sec. 18. G.S. 120-182(3) reads as rewritten:

"(3) Eight shall be appointed by the President Pro Tempore of the Senate, five being members of the Senate at the time of their appointment, and at least two being planners for or providers of health, mental health, or social services to older adults."

Sec. 19. G.S. 120-183 reads as rewritten:

"§ 120-183. Commission; meetings.

The Commission shall have its initial meeting no later than October 1, 1987, at the call of the President of the Senate and Speaker of the House. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint a cochairman each from the membership of the Commission. The Commission shall meet upon the call of the cochairmen."

–GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

Sec. 20. G.S. 130A-33.41(1) reads as rewritten:

"(1) The composition of the Council shall be as follows: one member of the Senate appointed by the President Pro Tempore of the Senate, and one member of the House of Representatives appointed by the Speaker of the House of Representatives, and eight persons from the health care professions, the fields of business and industry, physical

education, recreation, sports and the general public. The eight nonlegislative members of the Council shall be appointed by the Governor to serve at his pleasure."

–COMMITTEE ON EMPLOYEE HOSPITAL AND MEDICAL BENEFITS

Sec. 21. G.S. 135-38 reads as rewritten:

"§ 135-38. Committee on Employee Hospital and Medical Benefits.

(a) The Committee on Employee Hospital and Medical Benefits shall consist of 12 members as follows:

- (1) The President Pro Tempore of the Senate;
- (2) The Majority Leader of the Senate;
- (3) The Chairman of the Senate Committee on Appropriations;
- (4) Repealed by Session Laws 1987, c. 61, s. 1.
- (5) A Cochairman of the Senate Committee on Finance designated by the President Pro Tempore of the Senate;
- (6) Two other members of the Senate appointed by the President Pro Tempore of the Senate; and
- (7)-(10) Repealed by Session Laws 1989 (Reg. Sess., 1990), c. 1038, s. 19.1.
- (11) Six members of the House appointed by the Speaker.

(b) The members of the Committee who are members because of the offices they hold shall remain on the Committee for the duration of their terms in those offices. The President Pro Tempore of the Senate and Speaker of the House shall appoint the other members of the Committee for two-year terms beginning on July 1 of odd-numbered years.

(c) The Committee shall review programs of hospital, medical and related care provided by Part 3 of this Article as recommended by the Executive Administrator and Board of Trustees of the Plan. The Executive Administrator and the Board of Trustees shall provide the Committee with any information or assistance requested by the Committee in performing its duties under this Article.

(d) The time members spend on Committee business shall be considered official legislative business for purposes of G.S. 120-3."

–ADVISORY BUDGET COMMISSION

Sec. 22. G.S. 143-4 reads as rewritten:

"§ 143-4. Advisory Budget Commission.

(a) Five Senators appointed by the President Pro Tempore of the Senate, five Representatives appointed by the Speaker of the House and five persons appointed by the Governor shall constitute the Advisory Budget Commission. If the Governor appoints any members of the General Assembly to the Advisory Budget Commission, he must appoint an equal number from the Senate and House of Representatives.

(b) The Chairman of the Advisory Budget Commission shall also receive an additional two thousand five hundred dollars (\$2,500) payable in quarterly installments, for expenses.

The members of the Advisory Budget Commission shall receive no per diem compensation for their services, but shall receive the same subsistence and travel allowance as are provided for members of the General Assembly for services on interim legislative committees.

(c) The Governor may call a meeting of the Commission during the period beginning with the convening of each regular session and ending 30 days later. Otherwise, meetings of the Commission may be called by the Governor or by the chairman.

Members of the Commission shall take the oath of office at or before the first meeting of the Commission they attend.

The Office of State Budget and Management, under the direction of the State Budget Officer, may serve as staff to the Commission. The State Budget Officer shall designate a secretary to the Commission.

(d) After the agenda for a meeting has been delivered to the members of the Commission, no other item shall be considered at that meeting except upon the approval of a majority of the members present and voting.

Except for the Governor, persons who are not members of the Commission may address the Commission only at the invitation of the Governor, the chairman, or a majority of the members present and voting.

A vacancy in one of the seats on the Commission shall be filled by appointment by the officer who appointed the person causing the vacancy.

(e) Before the end of each fiscal year or as soon thereafter as practicable, the Advisory Budget Commission shall contract with a competent certified public accountant who is in no way otherwise affiliated with the State or with any agency thereof to conduct a thorough and complete audit of the receipts and expenditures of the State Auditor's office during the immediate fiscal year just ended, and to report to the Advisory Budget Commission on such audit not later than the following October first. A sufficient number of copies of such audit shall be provided so that at least one copy is filed with the Governor's Office, one copy with the Office of State Budget and Management and at least two copies filed with the Secretary of State.

(f) In all matters where action on the part of the Advisory Budget Commission is required by this Article, 10 members of the Commission shall constitute a quorum for performing the duties or acts required by the Commission."

–NORTH CAROLINA OFFICE OF LOCAL GOVERNMENT ADVOCACY

Sec. 23. G.S. 143-506.14 reads as rewritten:

"§ 143-506.14. North Carolina Office of Local Government Advocacy created; membership; terms; meetings; compensation; powers and duties; staff; cooperation by departments.

(a) There is established in the office of the Governor, the North Carolina Office of Local Government Advocacy. The Local Government Advocacy Council, created by Executive Order Number 22, is hereby transferred to the Office of Local Government Advocacy. The Council shall consist of 19 persons and shall be composed as follows: six members representing county government, five of whom are the members of the

Executive Committee of the North Carolina Association of County Commissioners and one who is the Executive Director of the Association; six members representing municipal government, five of whom are the members of the Executive Committee of the North Carolina League of Municipalities and one who is the Executive Director of the League; two Senators appointed by the President Pro Tempore of the Senate; two members of the House of Representatives, appointed by the Speaker of the House of Representatives and three at-large members appointed by the Governor. The Association of County Commissioners and the League of Municipalities representatives shall serve terms on the Council consistent with their terms as Executive Committee members appointed by the Governor. The members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve until January 15, 1981, or until their successors are appointed, whichever is later. Their successors shall serve a term of two years. The at-large members shall serve at the pleasure of the Governor for a period of two years. The Chairman and Vice-Chairman shall be the President of the Association of County Commissioners and the President of the League of Municipalities respectively, with the office rotating between the League and Association annually. Provided that no person among those appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall serve on the Council for more than two complete consecutive terms.

(b) The Council shall meet at least once each quarter and may hold special meetings at any time at the call of the Chairman or the Governor.

The members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(c) Membership. The Local Government Advocacy Council shall not be considered a public office and, to that end membership may be held in addition to the number of offices authorized by G.S. 128-1.1.

(d) The general duties and responsibilities of the Council are:

- (1) To advocate on behalf of local government and to advise the Governor and his Cabinet on the development and implementation of policies and programs which directly affect local government;
- (2) To function as liaison for State and local relations and communications;
- (3) To identify problem areas and recommend policies with respect to State, regional and local relations; and
- (4) To review, monitor and evaluate current and proposed State program policies, practices, procedures, guidelines and regulations with respect to their effect on local government.

(e) The Office of Local Government Advocacy shall be staffed by persons knowledgeable of local government who shall seek to carry out the directives of the Local Government Advocacy Council by:

- (1) Advocating the policies of the Council with various State departments;
- (2) Serving as a communications liaison between the Local Government Advocacy Council and the various State departments; and

(3) Functioning as an ombudsman for the resolution of local government problems.

(f) It shall be the responsibility of each respective Cabinet department head to: (i) insure that departmental employees make every effort to cooperate with and provide support to the Local Government Advocacy Council in keeping with the intent of this Article; and (ii) advise the Local Government Advocacy Council of their proposed policies and plans for review in terms of their effect on local government."

–EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Sec. 24. G.S. 143-510 reads as rewritten:

"§ 143-510. Emergency Medical Services Advisory Council.

(a) There is hereby created an Emergency Medical Services Advisory Council composed of 21 members to consult with the Secretary of the Department of Human Resources in the administration of this article. The Secretary of the Department of Human Resources shall appoint 17 members with at least one member representing each of the following categories:

- (1) Physicians licensed to practice medicine versed in treatment of trauma and suddenly occurring illnesses,
- (2) Emergency room nurses,
- (3) Hospitals,
- (4) Providers of ambulance service (including rescue squads),
- (5) Local government, and
- (6) The general public.

The ~~Lieutenant Governor~~ President Pro Tempore of the Senate shall appoint two members from the Senate, and the Speaker of the House of Representatives shall appoint two members from the House of Representatives.

(b) Members appointed by the Secretary of the Department of Human Resources shall hold office for a term of four years beginning July 1, 1973, and quadrennially thereafter, except the terms of the members first taking office shall expire, as designated at the time of appointment, six at the end of the second year, six at the end of the third year, and five at the end of the fourth year. Members appointed by the ~~Lieutenant Governor~~ President Pro Tempore and the Speaker shall serve for two years coinciding with the term for which they were elected to the General Assembly. Vacancies shall be filled by the office making the initial appointment and for the remainder of the unexpired term only.

(c) The Council shall meet at least once each quarter and at the call of the Secretary of the Department of Human Resources. The Council shall elect its chairman annually.

(d) Council members who are not members of the General Assembly or State employees or officers shall receive per diem, travel, and subsistence as provided by G.S. 138-5 while engaged in Council business or attending Council meetings. Council members who are members of the General Assembly shall receive travel and subsistence allowances as provided by G.S. 120-3.1. Council members who are State employees or officers shall receive travel and subsistence as provided by G.S. 138-6."

–COMMITTEE ON INAUGURAL CEREMONIES

Sec. 25. G.S. 143-533 reads as rewritten:

"§ 143-533. Creation, appointment of members; members ex officio.

There is hereby created a Committee on Inaugural Ceremonies to consist of three representatives to be appointed by the Speaker of the House, (or a person designated by the Speaker) three senators to be appointed by the President Pro Tempore of the Senate, three citizens to be appointed by the Governor, and three citizens to be appointed by the Governor-elect upon certification of his election. Of the three citizens appointed to the Committee by the Governor, only two may be of the same political party. The Speaker of the House, the President of the Senate, (or a person designated by the President of the Senate), the Governor, and, upon certification of their election, all members-elect of the Council of State, shall be ex officio members of the Committee on Inaugural Ceremonies."

Sec. 26. G.S. 143-539 reads as rewritten:

"§ 143-539. Offices; per diem and allowances of members; payments from appropriations.

~~The facilities of the State Legislative Building shall be made available to the Committee on Inaugural Ceremonies by the Legislative Services Officer for the Committee's work. The Department of Administration shall provide office space to the Committee.~~ The members of the Committee, including ex officio members, shall be paid such per diem, subsistence and travel allowances as are prescribed by law for State boards and commissions generally. All payments for purposes authorized by this Article shall be paid by the State Treasurer upon written authorization of the chairman of the Committee, from funds appropriated to the Contingency and Emergency Budget."

–CONSUMER AND ADVOCACY ADVISORY COMMITTEE FOR THE BLIND

Sec. 27. G.S. 143B-164(a) reads as rewritten:

"(a) The Consumer and Advocacy Advisory Committee for the Blind of the Department of Human Resources shall consist of the following members:

- (1) One member of the North Carolina Senate to be appointed by the ~~Lieutenant Governor~~President Pro Tempore of the Senate;
- (2) One member of the North Carolina House of Representatives to be appointed by the Speaker of the House of Representatives;
- (3) President and Vice-President of the National Federation of the Blind of North Carolina;
- (4) President and Vice-President of the North Carolina Council of the Blind;
- (5) President and Vice-President of the North Carolina Association of Workers for the Blind;
- (6) President and Vice-President of the North Carolina Chapter of the American Association of Workers for the Blind;

- (7) Chairman of the State Council of the North Carolina Lions and Executive Director of the North Carolina Lions Association for the Blind, Inc.;
- (8) Chairman of the Concession Stand Committee of the Division of Services for the Blind of the Department of Human Resources; and
- (9) Executive Director of the North Carolina Society for the Prevention of Blindness, Inc.

With respect to members appointed from the General Assembly, these appointments shall be made in the odd-numbered years, and the appointments shall be made for two-year terms beginning on the first day of July and continuing through the 30th day of June two years thereafter; provided, such appointments shall be made within two weeks after ratification of this act, and the first members which may be so appointed prior to July 1 of the year of ratification shall serve through the 30th day of June of the second year thereafter. If any Committee member appointed from the General Assembly ceases to be a member of the General Assembly, for whatever reason, his position on the Committee shall be deemed vacant. In the event that either Committee position which is designated herein to be filled by a member of the General Assembly becomes vacant during a term, for whatever reason, a successor to fill that position shall be appointed for the remainder of the unexpired term by the person who made the original appointment or his successor. Provided members appointed by the ~~Lieutenant Governor~~ President Pro Tempore of the Senate and the Speaker of the House shall not serve more than two complete consecutive terms.

With respect to the remaining Committee members, each officeholder shall serve on the Committee only so long as he holds the named position in the specified organization. Upon completion of his term, failure to secure reelection or appointment, or resignation, the individual shall be deemed to have resigned from the Committee and his successor in office shall immediately become a member of the Committee. Further, if any of the above-named organizations dissolve or if any of the above-stated positions no longer exist, then the successor organization or position shall be deemed to be substituted in the place of the former one and the officeholder in the new organization or of the new position shall become a member of the Committee."

–NORTH CAROLINA CAPITAL PLANNING COMMISSION

Sec. 28. G.S. 143B-374 reads as rewritten:

"§ 143B-374. North Carolina Capital Planning Commission – members; selection; quorum; compensation.

(a) The North Carolina Capital Planning Commission of the Department of Administration shall consist of the following ex officio members: the Governor of North Carolina who shall serve as chairman; all members of the Council of State including the Lieutenant Governor (or a person designated by the Lieutenant Governor), who shall serve as vice-chairman; the Speaker (or a person designated by the Speaker), and four members of the North Carolina House of Representatives, and four members of the North Carolina Senate; and a representative of the City of Raleigh to be designated by the City Council of Raleigh to serve a two-year term to expire at the same date city

council members' terms expire. The ~~Lieutenant Governor~~ President Pro Tempore of the Senate shall appoint the four members of the Senate on or before July 1, 1975, for two-year terms to expire at the same date General Assembly members' terms expire. The Speaker of the House of Representatives shall appoint the four members of the House on or before July 1, 1975, for two-year terms to expire at the same date General Assembly members' terms expire.

Public officers who are made members of the Commission shall be deemed to serve ex officio.

(b) 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 Administration.

All minutes, records, plans, and all other documents of public record of the State Capital Planning Commission, the Heritage Square Commission, and the former North Carolina Capital Planning Commission shall be turned over to the Department of Administration.

The Commission shall meet quarterly, and at other times at the call of the chairman."

–NORTH CAROLINA COUNCIL ON INTERSTATE COOPERATION

Sec. 29. G.S. 143B-380(3) reads as rewritten:

"(3) Three Senators designated by the President Pro Tempore of the Senate;"

Sec. 30. G.S. 143B-382 reads as rewritten:

"§ 143B-382. North Carolina Council on Interstate Cooperation – Senate members.

The President Pro Tempore of the Senate shall, on or before July 1 of the year in which each regular session of the General Assembly is held, designate three members of the Senate as members of the Council on Interstate Cooperation."

–GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

Sec. 31. G.S. 143B-415 reads as rewritten:

"§ 143B-415. Governor's Advocacy Council on Children and Youth – members; selection; quorum; compensation.

(a) The Governor's Advocacy Council on Children and Youth shall consist of 17 members. The composition of the Council shall be as follows: two members appointed by the President Pro Tempore of the Senate from the membership of the Senate; two members selected by the Speaker of the House of Representatives from the membership of the House of Representatives; 13 members appointed by the Governor.

Of the members appointed by the Governor, at least one shall come from each congressional district in accordance with G.S. 147-12(3)b.

In selecting the 13 members of the Council, the Governor shall select nine public-spirited adult citizens who have an interest in and knowledge of children and youth, persons who work with children or representatives of organizations concerned with

problems of children and youth. The remaining four members to be appointed by the Governor shall consist of two youths of each sex who are 18 years of age or under at the time of their appointments.

(b) The initial members of the Council shall be the members of the former Governor's Advocacy Council on Children and Youth of the Department of Human Resources whose terms shall expire on the date they would have, had said Council of the Department of Human Resources not been transferred. At the end of the respective terms of office of the initial members of the Council, the appointment of all members shall be as provided in this section and for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, death, dismissal, or disability of a member shall be for the balance of the unexpired term.

(c) The Governor may remove any member of the Council appointed by the Governor.

The Governor shall designate from the membership of the Council a chairman and a vice-chairman to serve at his pleasure.

The Council shall meet at least quarterly and upon the call of the chairman or upon written request of at least nine members.

The 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.

(d) All clerical and other services required by the Council shall be supplied by the Secretary of Administration."

–GOVERNOR'S CRIME COMMISSION

Sec. 32. G.S. 143B-478(b)(4) reads as rewritten:

"(4) The two members of the House of Representatives provided by subdivision (a)(1)d. of this section shall be appointed by the Speaker of the House of Representatives and the two members of the Senate provided by subdivision (a)(1)d. of this section shall be appointed by the ~~Lieutenant Governor~~ President Pro Tempore of the Senate. These members shall perform the advisory review of the State plan for the General Assembly as permitted by section 206 of the Crime Control Act of 1976 (Public Law 94-503)."

–GENERAL STATUTES COMMISSION

Sec. 33. G.S. 164-14 reads as rewritten:

"§ 164-14. **Membership; appointments; terms; vacancies.**

(a) The Commission shall consist of 12 members, who shall be appointed as follows:

- (1) One member, by the president of the North Carolina State Bar;
- (2) One member, by the General Statutes Commission;
- (3) One member, by the dean of the school of law of the University of North Carolina;

- (4) One member, by the dean of the school of law of Duke University;
- (5) One member, by the dean of the school of law of Wake Forest University;
- (6) One member, by the Speaker of the House of Representatives of each General Assembly from the membership of the House;
- (7) One member, by the President Pro Tempore of the Senate of each General Assembly from the membership of the Senate;
- (8) Two members, by the Governor;
- (9) One member, by the dean of the school of law of North Carolina Central University;
- (10) One member by the president of the North Carolina Bar Association;
- (11) One member, by the dean of the school of law of Campbell College.

(b) Appointments of original members of the Commission made by the president of the North Carolina State Bar, the president of the North Carolina Bar Association, and the deans of the schools of law of Duke University, the University of North Carolina, and Wake Forest University shall be for one year. Appointments of original members of the Commission made by the Speaker of the House of Representatives, the President of the Senate, and the Governor shall be for two years.

(c) After the appointment of the original members of the Commission, appointments by the president of the North Carolina State Bar, the General Statutes Commission, and the deans of the schools of law of North Carolina Central University, Duke University, the University of North Carolina, and Wake Forest University shall be made in the even-numbered years, and appointments made by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, president of the North Carolina Bar Association, the dean of the School of Law of Campbell College and the Governor shall be made in the odd-numbered years. Such appointments shall be made for two-year terms beginning June first of the year when such appointments are to become effective and expiring May 31 two years thereafter. All such appointments shall be made not later than May 31 of the year when such appointments are to become effective.

(d) If any appointment provided for by this section is not made prior to June first of the year when it should become effective, a vacancy shall exist with respect thereto, and the vacancy shall then be filled by appointment by the Governor. If any member of the Commission dies or resigns during the term for which he was appointed, his successor for the unexpired term shall be appointed by the person who made the original appointment, as provided in G.S. 164-14, or by the successor of such person; and if such vacancy is not filled within 30 days after the vacancy occurs, it shall then be filled by appointment by the Governor. In any case where an appointment authorized to be made by G.S. 164-14(c) has not been made on or before July 31 of the year in which it was due to be made, a vacancy shall exist with respect to that appointment and the General Statutes Commission at its next meeting shall by majority vote fill the vacancy by appointment.

(e) All appointments shall be reported to the secretary of the Commission.

(f) Notwithstanding the expiration of the term of the appointment, the terms of members of the General Statutes Commission shall continue until the appointment of a successor has been made and reported to the secretary of the Commission."

Sec. 34. This act applies to any appointments for terms beginning on or after January 1, 1993, and also applies to the filling of any unexpired terms where the term began before that date but the vacancy occurs on or after that date.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives