

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1171*
Committee Substitute Favorable 5/30/96

Short Title: Confirmation/Appointments.

(Public)

Sponsors:

Referred to:

May 15, 1996

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR LEGISLATIVE CONFIRMATION OF CERTAIN
3 EXECUTIVE APPOINTMENTS AND TO CHANGE THE COMPOSITION,
4 APPOINTMENTS, AND TERMS OF VARIOUS BOARDS, COMMISSIONS, AND
5 AUTHORITIES WITHIN STATE GOVERNMENT.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. CONFIRMATION**

9
10 **–LEGISLATIVE CONFIRMATION PROCEDURE**

11 Section 1.1. G.S. 147-12(3c), 147-12(3d), and 147-16.3 are repealed.

12 Sec. 1.2. Chapter 147 of the General Statutes is amended by adding the
13 following new section:

14 **"§ 147-16.4. Confirmation of appointments.**

15 (a) Confirmation. – A person nominated by the Governor to an office requiring
16 confirmation by the General Assembly may take office only after having been confirmed
17 by the General Assembly in accordance with this section, except as otherwise provided in
18 subsections (d) and (e) of this section.

1 **(b) Nomination.** – The Governor shall notify the President of the Senate, the
2 Speaker of the House of Representatives, and the principal clerk of each house of the
3 legislature of the name of the nominee subject to confirmation no later than:

4 **(1)** February 1 of the year in which the appointment is to be made for the
5 office of Commissioner of Banks.

6 **(2)** May 1 of the year in which the appointment is to be made for all other
7 offices with fixed terms.

8 **(3)** Fifteen days following appointment of a member of an office listed in
9 G.S. 143B-6(1) through (9) or any other office for which there is no
10 fixed term.

11 **(c) Failure to timely nominate.** – If the Governor fails to nominate an officer
12 subject to confirmation by the General Assembly or fails to notify the General Assembly
13 in accordance with this section, the General Assembly, upon the recommendation of the
14 President Pro Tempore of the Senate and the Speaker of the House of Representatives,
15 shall jointly nominate a person for the office, to be confirmed in the same manner as if
16 nominated by the Governor.

17 **(d) Procedure.** – The confirmation shall be by joint resolution. The General
18 Assembly shall act upon a nomination by the forty-fifth day of the session or within 45
19 days of being notified in accordance with subsection (b) of this section, whichever is
20 later, but in any event no later than the last day of the session. If the General Assembly
21 fails to take action on a confirmation resolution within the prescribed time, the appointee
22 is deemed confirmed, except that an appointee whose name is submitted during the last
23 15 legislative days of the session is not deemed confirmed and may serve as an
24 unconfirmed appointee no later than the forty-fifth day of the next legislative session.

25 If the General Assembly takes action and fails to confirm an appointee, it shall notify
26 the Governor, and the Governor shall submit a new nominee within 10 days. For
27 purposes of this section, the General Assembly has taken action and has failed to confirm
28 if the confirmation resolution has failed second or third reading in either house. A joint
29 confirmation resolution may be introduced at any time the General Assembly is in
30 session.

31 **(e) Appointees initially serving without confirmation.** – A person appointed to an
32 office that has no fixed term, to a vacant office, or as an acting officer under G.S. 147-
33 12(3) may serve without confirmation until the General Assembly takes action and fails
34 to confirm. The appointee is deemed confirmed after the forty-fifth calendar day
35 following (i) the date of notification of the appointment by the Governor if the General
36 Assembly is in session at that time or (ii) the forty-fifth day of the next legislative session
37 following the appointment, unless the General Assembly takes action and fails to confirm
38 before that date.

39 **(f) Failure to confirm.** – An appointee who is not confirmed nor deemed
40 confirmed may not be reappointed to the same office by the same Governor.

41 **(g) The chair of a committee to which a confirmation resolution has been assigned**
42 may request the presiding officer of that house to request a background check on an
43 appointee subject to confirmation pursuant to G.S. 120-19.4A.

1 (h) State Board of Education. – This section does not apply to appointments to the
2 State Board of Education.

3 (i) Session defined. – For purposes of this section, 'session' means a regular
4 session of the General Assembly. The regular session held in an odd-numbered year is
5 deemed, for purposes of this section, a separate session from the regular session held in
6 an even-numbered year."

7
8 –CABINET OFFICERS CONFIRMATION

9 Sec. 1.3. G.S. 143B-9 reads as rewritten:

10 **"§ 143B-9. Appointment of officers and employees.**

11 The head of each principal State department, except those departments headed by
12 popularly elected officers, shall be appointed by the ~~Governor~~ Governor, subject to
13 confirmation by the General Assembly as provided by G.S. 147-16.4 as to those listed in
14 G.S. 143B-6(1) through (9) and serve at his pleasure. ~~shall serve at the pleasure of the~~
15 Governor.

16 The salary of the head of each of the principal State departments and of elected
17 officials shall be as provided by law.

18 The head of a principal State department shall appoint a chief deputy or chief
19 assistant, and such chief deputy or chief assistant shall not be subject to the State
20 Personnel Act. The salary of such chief deputy or chief assistant shall, upon the
21 recommendation of the Governor, be set by the General Assembly. Unless otherwise
22 provided for in the Executive Organization Act of 1973, and subject to the provisions of
23 the Personnel Act, the head of each principal State department shall designate the
24 administrative head of each transferred agency and all employees of each division,
25 section, or other unit of the principal State department."

26
27 –ABC COMMISSION MEMBERS AND CHAIRMAN CONFIRMATION

28 Sec. 1.4. G.S. 18B-200 reads as rewritten:

29 **"§ 18B-200. North Carolina Alcoholic Beverage Control Commission.**

30 (a) Creation of Commission; compensation. – The North Carolina Alcoholic
31 Beverage Control Commission is created to consist of a chairman and two associate
32 members. The chairman shall devote his full time to his official duties and receive a
33 salary fixed by the General Assembly in the Current Operations Appropriations Act. The
34 associate members shall be compensated for per diem, subsistence and travel as provided
35 in Chapter 138 of the General Statutes.

36 (b) Appointment of Members. – Members of the Commission shall be appointed
37 by the ~~Governor to serve at his pleasure.~~ Governor, subject to confirmation by the General
38 Assembly as provided by G.S. 147-16.4, to serve at the pleasure of the Governor.

39 (c) Vacancy. – The Governor shall fill any vacancy on the Commission by
40 appointing a ~~successor~~ successor, subject to confirmation by the General Assembly as
41 provided by G.S. 147-12(3e), to serve at the Governor's pleasure. If the chairman's seat
42 becomes vacant, the Governor may designate either the new member or an existing

1 member of the Commission as the ~~chairman~~-chairman, subject to confirmation by the
2 General Assembly as provided by G.S. 147-16.4.

3 (d) Employees. – The Commission may authorize the chairman to employ,
4 discharge, and otherwise supervise subordinate personnel of the Commission. The
5 Commission shall appoint at least one employee to make investigations, hold hearings
6 requested under G.S. 18B-1205, and represent the Commission in contested case hearings
7 or perform any other duties authorized by Chapter 150B."
8

9 –INDUSTRIAL COMMISSION MEMBERS AND CHAIRMAN CONFIRMATION

10 Sec. 1.5. G.S. 97-77 reads as rewritten:

11 "**§ 97-77. North Carolina Industrial Commission created; members appointed by**
12 **Governor; terms of office; chairman.**

13 (a) There is hereby created a commission to be known as the North Carolina
14 Industrial Commission, consisting of seven commissioners who shall devote their entire
15 time to the duties of the Commission. The Governor shall appoint the members of the
16 Commission, one for a term of two years, one for a term of four years, and one for a term
17 of six years. Of the additional appointments made in 1994, one shall be for a term
18 expiring June 30, 1996, one for a term expiring June 30, 1998, and two for terms expiring
19 June 30, 2000. Upon the expiration of each term as above mentioned, the ~~Governor~~
20 Governor, subject to confirmation by the General Assembly as provided by G.S. 147-
21 16.4, shall appoint a successor for a term of six years, and thereafter the term of office of
22 each commissioner shall be six years. Not more than three appointees shall be persons
23 who, on account of their previous vocations, employment or affiliations, can be classed as
24 representatives of employers, and not more than three appointees shall be persons who,
25 on account of their previous vocations, employment or affiliations, can be classed as
26 representatives of employees.

27 (b) One member, to be designated by the Governor, subject to confirmation by the
28 General Assembly as provided by G.S. 147-16.4, shall act as chairman. The chairman
29 shall be the chief judicial officer and the chief executive officer of the Industrial
30 Commission; such authority shall be exercised pursuant to the provisions of Chapter 126
31 of the General Statutes and the rules and policies of the State Personnel Commission.
32 Notwithstanding the provisions of this Chapter, the chairman shall have such authority as
33 is necessary to direct and oversee the Commission. The chairman may delegate any
34 duties and responsibilities as may be necessary to ensure the proper management of the
35 Industrial Commission. Notwithstanding the provisions of this Chapter, Chapter 143A,
36 and Chapter 143B of the General Statutes, the chairman may hire or fire personnel and
37 transfer personnel within the Industrial Commission.

38 The Governor may designate one vice-chairman from the remaining commissioners.
39 The vice-chairman shall assume the powers of the chairman upon request of the chairman
40 or when the chairman is absent for 24 hours or more. The authority delegated to the vice-
41 chairman shall be relinquished immediately upon the return of the chairman or at the
42 request of the chairman."
43

1 –POST-RELEASE SUPERVISION AND PAROLE COMMISSION MEMBERS AND
2 CHAIRMAN CONFIRMATION

3 Sec. 1.6. G.S. 143B-267, as amended by Section 2.4 of this act, reads as
4 rewritten:

5 "**§ 143B-267. Post-Release Supervision and Parole Commission – members;
6 selection; removal; chairman; compensation; quorum; services.**

7 The Post-Release Supervision and Parole Commission shall consist of three full-time
8 members. The three full-time members shall be appointed by the Governor from persons
9 whose recognized ability, training, experience, and character qualify them for service on
10 the Commission. The terms of office of the five members presently serving on the
11 Commission shall expire on June 30, 1993. The terms of three members appointed
12 effective July 1, 1993, shall be for three years, but only one successor shall be appointed
13 for terms commencing on or after July 1, 1996. The terms of two members appointed
14 effective July 1, 1993, shall be for four years. Thereafter, ~~the terms of office of persons~~
15 ~~appointed by the Governor as members of the Commission shall be for members shall be~~
16 appointed, subject to confirmation by the General Assembly as provided by G.S. 147-
17 16.4, for terms of four years or until their successors are appointed and qualify. Any
18 appointment to fill a vacancy on the Commission created by the resignation, removal,
19 death or disability of a full-time member shall be for the balance of the unexpired term
20 only.

21 The Governor shall have the authority to remove any member of the Commission
22 from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of
23 G.S. 143B-13. The Governor shall designate a full-time member of the Commission to
24 serve as chairman of the ~~Commission~~Commission, subject to confirmation by the General
25 Assembly as provided by G.S. 147-16.4, who shall serve at the pleasure of the Governor.

26 With regard to the transaction of the business of the Commission the following
27 procedure shall be followed: The chairman shall designate panels of two voting
28 Commission members and shall designate a third commissioner to serve as an alternate
29 member of a panel. Insofar as practicable, the chairman shall assign the members to
30 panels in such fashion that each commissioner sits a substantially equal number of times
31 with each other commissioner. Whenever any matter of business, such as the granting,
32 denying, revoking or rescinding of parole, or the authorization of work-release privileges
33 to a prisoner, shall come before the Commission for consideration and action, the
34 chairman shall refer such matter to a panel. Action may be taken by concurring vote of
35 the two sitting panel members. If there is not a concurring vote of the two panel
36 members, the matter will be referred to the alternate member who shall cast the deciding
37 vote. However, no person serving a sentence of life imprisonment shall be granted parole
38 or work-release privileges except by majority vote of the full Commission.

39 The full-time members of the Commission shall receive the salary fixed by the
40 General Assembly in the Current Operations Appropriations Act and shall receive
41 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-
42 6.

1 All clerical and other services required by the Commission shall be supplied by the
2 Secretary of Correction."

3
4 ~~–BOARD OF TRANSPORTATION CONFIRMATION/SERVE AT GOVERNOR'S~~
5 ~~PLEASURE~~

6 Sec. 1.7. G.S. 143B-350(c) reads as rewritten:

7 "(c) ~~The Board of Transportation shall have 20 members appointed by the Governor.~~
8 Governor, subject to confirmation by the General Assembly as provided by G.S. 147-
9 16.4. These members shall serve at the pleasure of the Governor. One member shall be
10 appointed from each of the 14 transportation engineering divisions and six members shall
11 be appointed from the State at large. One at-large member shall be a registered voter of a
12 political party other than the political party of the Governor. At least one at-large
13 member shall possess a broad knowledge of public transportation matters. No more than
14 two members provided for in this subsection shall reside in the same engineering division
15 while serving in office. The initial members shall serve terms beginning July 1, 1977, and
16 ending January 14, 1981, or until their successors are appointed and qualified. The succeeding
17 terms of office shall be for a period of four years beginning January 15, 1981, and each four
18 years thereafter. The Governor shall have the authority to remove for cause sufficient to himself,
19 any member appointed by the Governor."

20
21 ~~–STATE BOARD OF ELECTIONS EXECUTIVE SECRETARY-DIRECTOR~~
22 ~~CONFIRMATION~~

23 Sec. 1.8. G.S. 163-27 reads as rewritten:

24 **"§ 163-27. Executive Secretary-Director to be appointed by Board.**

25 The appointment of the Executive Secretary-Director of the State Board of Elections
26 is extended to May 15, 1989, unless removed for proper cause, and thereafter the Board
27 ~~shall~~shall, subject to confirmation by the General Assembly as provided by G.S. 147-
28 16.4 as if the appointment was made by the Governor, appoint an Executive Secretary-
29 Director for a term of four years with compensation to be determined by the Department
30 of Personnel. He shall serve, unless removed for cause, until his successor is appointed.
31 Such Executive Secretary-Director shall be responsible for staffing, administration,
32 execution of the Board's decisions and orders and shall perform such other
33 responsibilities as may be assigned by the Board. In the event of a vacancy, the vacancy
34 shall be filled for the remainder of the term. An acting Executive Secretary-Director may
35 be appointed by the State Board of Elections under the same procedures as the Governor
36 may appoint an acting officer under G.S. 147-12(3) and G.S. 147-16.4."

37
38 ~~–ENVIRONMENTAL MANAGEMENT COMMISSION CONFIRMATION~~

39 Sec. 1.9. G.S. 143B-283, as amended by Section 2.3 of this act, reads as
40 rewritten:

41 **"§ 143B-283. Environmental Management Commission – members; selection;**
42 **removal; compensation; quorum; services.**

1 (a) The Environmental Management Commission shall consist of 13 members
2 appointed by the ~~Governor~~ Governor, subject to confirmation by the General Assembly as
3 provided by G.S. 147-16.4, and four members appointed by the General Assembly in
4 accordance with subsection (d) of this section. The Governor shall select the members
5 so that the membership of the Commission shall consist of:

- 6 (1) One who shall be a licensed physician with specialized training and
7 experience in the health effects of environmental pollution;
- 8 (2) One who shall, at the time of appointment, be actively connected with
9 the Commission for Health Services or local board of health or have
10 experience in health sciences;
- 11 (3) One who shall, at the time of appointment, be actively practicing as a
12 farmer;
- 13 (4) One who shall, at the time of appointment, be a registered engineer with
14 specialized training and experience in water supply or water or air
15 pollution control;
- 16 (5) One who shall, at the time of appointment, be actively connected with
17 or have had experience in the fish and wildlife conservation activities of
18 the State;
- 19 (6) One who shall, at the time of appointment, have special training and
20 scientific expertise in hydrogeology or groundwater hydrology;
- 21 (7) Two members interested in water and air pollution control, appointed
22 from the public at large;
- 23 (8) One who shall, at the time of appointment, be actively connected with
24 industrial production or have had experience in the field of industrial air
25 and water pollution control;
- 26 (9) One who shall, at the time of appointment, be actively connected with
27 or have had experience in pollution control problems of municipal or
28 county government;
- 29 (9a) One who shall, at the time of appointment, be a builder or developer;
- 30 (10) One who shall, at the time of appointment, have special training and
31 scientific expertise in air pollution control and the effects of air
32 pollution; and
- 33 (11) One who shall, at the time of appointment, have special training and
34 scientific expertise in freshwater, estuarine, marine biological, or
35 ecological sciences.

36 (b) Members so appointed shall serve terms of office of six years. Any
37 appointment to fill a vacancy on the Commission created by the resignation, dismissal,
38 death or disability of a member shall be for the balance of the unexpired ~~term~~ term,
39 subject to confirmation by the General Assembly as provided by G.S. 147-16.4. At the
40 expiration of each member's term, the Governor shall replace the member with a new
41 member of like ~~qualifications~~ qualifications, subject to confirmation by the General
42 Assembly as provided by G.S. 147-16.4. The initial members of the Environmental
43 Management Commission shall be those members of the present Board of Water and Air

1 Resources who shall meet the above standards for membership on the Environmental
2 Management Commission and who shall serve on the Environmental Management
3 Commission for a period equal to the remainder of their current terms on the Board of
4 Water and Air Resources, four of whose appointments expire June 30, 1975, five of
5 whose appointments expire June 30, 1977, and four of whose appointments expire June
6 30, 1979. Any initial appointment to replace a member of the present Board of Water and
7 Air Resources who does not meet the above standards for membership on the
8 Environmental Management Commission shall be for a period equal to the replaced
9 member's unexpired term. The initial appointment for category (9a) shall be for a four-
10 year term commencing July 1, 1996, and expiring June 30, 2000. Successors shall be
11 appointed for six-year terms.

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

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

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

19 All clerical and other services required by the Commission shall be supplied by the
20 Secretary of Environment, Health, and Natural Resources.

21 (c) Nine of the members appointed by the Governor under this section shall be
22 persons who do not derive any significant portion of their income from persons subject to
23 permits or enforcement orders under this Chapter. The Governor shall require adequate
24 disclosure of potential conflicts of interest by members. The Governor, by executive
25 order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for
26 determining the eligibility of persons under this section, giving due regard to the
27 requirements of federal legislation, and for this purpose may promulgate rules,
28 regulations or guidelines in conformance with those established by any federal agency
29 interpreting and applying provisions of federal law.

30 (d) In addition to the members designated by subsection (a), the General Assembly
31 shall appoint four members, two upon the recommendation of the Speaker of the House
32 of Representatives, and two upon the recommendation of the President of the Senate.
33 Appointments by the General Assembly shall be made in accordance with G.S. 120-121,
34 and vacancies in those appointments shall be filled in accordance with G.S. 120-122. The
35 terms of initial appointees by the General Assembly shall expire on June 30, 1983.
36 Thereafter, these members shall serve two-year terms."

37

38 –HEALTH SERVICES COMMISSION CONFIRMATION

39 Sec. 1.10. G.S. 130A-30 reads as rewritten:

40 **"§ 130A-30. Commission for Health Services – Members; selection; quorum;**
41 **compensation.**

42 (a) The Commission for Health Services shall consist of 13 members, four of
43 whom shall be elected by the North Carolina Medical Society and nine of whom shall be

1 appointed by the Governor. The members appointed by the Governor are subject to
2 confirmation by the General Assembly as provided by G.S. 147-16.4, and the members
3 elected by the North Carolina Medical Society are subject to confirmation by the General
4 Assembly as provided by G.S. 147-16.4 as if those elected had been appointed by the
5 Governor.

6 (b) One of the members appointed by the Governor shall be a licensed pharmacist,
7 one a registered engineer experienced in sanitary engineering or a soil scientist, one a
8 licensed veterinarian, one a licensed optometrist, one a licensed dentist, and one a
9 registered nurse. The initial members of the Commission shall be the members of the
10 State Board of Health who shall serve for a period equal to the remainder of their current
11 terms on the State Board of Health, three of whose appointments expire May 1, 1973, and
12 two of whose appointments expire May 1, 1975. At the end of the respective terms of
13 office of initial members of the Commission, their successors shall be appointed for terms
14 of four years and until their successors are appointed and qualify. Any appointment to fill
15 a vacancy on the Commission created by the resignation, dismissal, death, or disability of
16 a member shall be for the balance of the unexpired ~~term~~-term, subject to confirmation by
17 the General Assembly as provided by G.S. 147-16.4.

18 (c) The North Carolina Medical Society shall have the right to remove any
19 member elected by it for misfeasance, malfeasance, or nonfeasance, and the Governor
20 shall have the right to remove any member appointed by him for misfeasance,
21 malfeasance, or nonfeasance in accordance with the provisions of G.S. 143B-13.
22 Vacancies on said Commission among the membership elected by the North Carolina
23 Medical Society shall be filled by the executive committee of the Medical Society until
24 the next meeting of the Medical Society, when the Medical Society shall fill the vacancy
25 for the unexpired term. Vacancies on said Commission among the membership appointed
26 by the Governor shall be filled by the Governor for the unexpired term. The filling of
27 vacancies is subject to confirmation by the General Assembly as provided by G.S. 147-
28 16.4.

29 (d) A majority of the members of the Commission shall constitute a quorum for
30 the transaction of business.

31 (e) The members of the Commission shall receive per diem and necessary
32 traveling and subsistence expenses in accordance with the provisions of G.S. 138-5."
33

34 –COASTAL RESOURCES COMMISSION CONFIRMATION

35 Sec. 1.11. G.S. 113A-104 reads as rewritten:

36 "§ 113A-104. Coastal Resources Commission.

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

40 (b) Composition. – The Coastal Resources Commission shall consist of 15
41 members appointed by the Governor, subject to confirmation by the General Assembly as
42 provided by G.S. 147-16.4, as follows:

- 1 (1) One who shall at the time of appointment be actively connected with or
2 have experience in commercial fishing.
- 3 (2) One who shall at the time of appointment be actively connected with or
4 have experience in wildlife or sports fishing.
- 5 (3) One who shall at the time of appointment be actively connected with or
6 have experience in marine ecology.
- 7 (4) One who shall at the time of appointment be actively connected with or
8 have experience in coastal agriculture.
- 9 (5) One who shall at the time of appointment be actively connected with or
10 have experience in coastal forestry.
- 11 (6) One who shall at the time of appointment be actively connected with or
12 have experience in coastal land development.
- 13 (7) One who shall at the time of appointment be actively connected with or
14 have experience in marine-related business (other than fishing and
15 wildlife).
- 16 (8) One who shall at the time of appointment be actively connected with or
17 have experience in engineering in the coastal area.
- 18 (9) One who shall at the time of appointment be actively associated with a
19 State or national conservation organization.
- 20 (10) One who shall at the time of appointment be actively connected with or
21 have experience in financing of coastal land development.
- 22 (11) Two who shall at the time of appointment be actively connected with or
23 have experience in local government within the coastal area.
- 24 (12) Three at-large members.

25 (c) Appointment of Members. – Appointments to the Commission shall be made
26 to provide knowledge and experience in a diverse range of coastal interests. The
27 members of the Commission shall serve and act on the Commission solely for the best
28 interests of the public and public trust, and shall bring their particular knowledge and
29 experience to the Commission for that end alone.

30 The Governor shall appoint in his sole ~~discretion~~ discretion, subject to confirmation by
31 the General Assembly as provided by G.S. 147-16.4, those members of the Commission
32 whose qualifications are described in subdivisions (6) and (10), and one of the three
33 members described in subdivision (12) of subsection (b) of this section.

34 The remaining members of the Commission shall be appointed by the ~~Governor~~
35 Governor, subject to confirmation by the General Assembly as provided by G.S. 147-
36 16.4, after completion of the nominating procedures prescribed by subsection (d) of this
37 section. The members of the Commission whose qualifications are described in
38 subdivisions (1) through ~~(5), (9), and (11)~~, (5) and subdivision (9) shall be persons who do
39 not derive any significant portion of their income from land development, construction,
40 real estate sales, or lobbying and do not otherwise serve as agents for development-
41 related business activities. The Governor shall require adequate disclosure of potential
42 conflicts of interest by members. The Governor, by executive order, shall promulgate

1 criteria regarding conflicts of interest and disclosure thereof for determining the
2 eligibility of persons under this section.

3 (d) Nominations for Membership. – On or before May 1 in every even-numbered
4 year the Governor shall designate and transmit to the board of commissioners in each
5 county in the coastal area four nominating categories applicable to that county for that
6 year. Said nominating categories shall be selected by the Governor from among the
7 categories represented, respectively by subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (11)
8 – two persons, and (12) – two persons, of subsection (b) of this section (or so many of the
9 above-listed paragraphs as may correspond to vacancies by expiration of term that are
10 subject to being filled in that year). On or before June 1 in every even-numbered year the
11 board of commissioners of each county in the coastal area shall nominate (and transmit to
12 the Governor the names of) one qualified person in each of the four nominating
13 categories that was designated by the Governor for that county for that year. In
14 designating nominating categories from biennium to biennium, the Governor shall
15 equitably rotate said categories among the several counties of the coastal area as in his
16 judgment he deems best; and he shall assign, as near as may be, an even number of
17 nominees to each nominating category and shall assign in his best judgment any excess
18 above such even number of nominees. On or before June 1 in every even-numbered year
19 the governing body of each incorporated city within the coastal area shall nominate and
20 transmit to the Governor the name of one person as a nominee to the Commission. In
21 making nominations, the boards of county commissioners and city governing bodies shall
22 give due consideration to the nomination of women and minorities. The Governor shall
23 appoint 12 persons from among said city and county nominees to the ~~Commission~~.
24 Commission, subject to confirmation by the General Assembly as provided by G.S. 147-
25 16.4. The several boards of county commissioners and city governing bodies shall
26 transmit the names, addresses, and a brief summary of the qualifications of their
27 nominees to the Governor on or before June 1 in each even-numbered year, beginning in
28 1974; provided, that the Governor, by registered or certified mail, shall notify the
29 chairman or the mayors of the said local governing boards by May 20 in each such even-
30 numbered year of the duties of local governing boards under this sentence. If any board
31 of commissioners or city governing body fails to transmit its list of nominations to the
32 Governor by June 1, the Governor may add to the nominations a list of qualified
33 nominees in lieu of those that were not transmitted by the board of commissioners or city
34 governing body; Provided however, the Governor may not add to the list a nominee in
35 lieu of one not transmitted by an incorporated city within the coastal area that neither has
36 a population of 2,000 or more nor is contiguous with the Atlantic Ocean. Within the
37 meaning of this section, the 'governing body' is the mayor and council of a city as defined
38 in G.S. 160A-66. The population of cities shall be determined according to the most
39 recent annual estimates of population as certified to the Secretary of Revenue by the
40 Secretary of Administration.

41 (e) Residential Qualifications. – All nominees of the several boards of county
42 commissioners and city governing bodies must reside within the coastal area, but need
43 not reside in the county from which they were nominated. No more than one of those

1 members appointed by the Governor from among said nominees may reside in a
2 particular county. No more than two members of the entire Commission, at any time,
3 may reside in a particular county. No more than two members of the entire Commission,
4 at any time, may reside outside the coastal area.

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

9 (g) Terms. – The members shall serve staggered terms of office of four years. At
10 the expiration of each member's term, the Governor shall reappoint or replace the
11 member with a new member of like qualification (as specified in subsection (b) of this
12 section), in the manner provided by subsections (c) and (d) of this ~~section~~ section, subject
13 to confirmation by the General Assembly as provided by G.S. 147-16.4. The initial term
14 shall be determined by the Governor in accordance with customary practice but eight of
15 the initial members shall be appointed for two years and seven for four years.

16 (h) Vacancies. – In the event of a vacancy arising otherwise than by expiration of
17 term, the Governor shall appoint a successor of like qualification (as specified in
18 subsection (b) of this section) who shall then serve the remainder of his predecessor's
19 ~~term~~ term, subject to confirmation by the General Assembly as provided by G.S. 147-
20 16.4. When any such vacancy arises, the Governor shall immediately notify the board of
21 commissioners of each county in the coastal area and the governing body of each
22 incorporated city within the coastal area. Within 30 days after receipt of such notification
23 each such county board and city governing body shall nominate and transmit to the
24 Governor the name and address of one person who is qualified in the category
25 represented by the position to be filled, together with a brief summary of the
26 qualifications of the nominee. The Governor shall make the appointment from among
27 said city and county nominees. If any county board or city governing body fails to make a
28 timely transmittal of its nominee, the Governor may add to the nominations a qualified
29 person in lieu of said nominee; Provided however, the Governor may not add to the list a
30 nominee in lieu of one not transmitted by an incorporated city within the coastal area that
31 neither has a population of 2,000 or more nor is contiguous with the Atlantic Ocean.

32 (i) Officers. – The chairman shall be designated by the Governor from among the
33 members of the Commission to serve as chairman at the pleasure of the Governor. The
34 vice-chairman shall be elected by and from the members of the Commission and shall
35 serve for a term of two years or until the expiration of his regularly appointed term.

36 (j) Compensation. – The members of the Commission shall receive per diem and
37 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-
38 5.

39 (k) In making appointments to and filling vacancies upon the Commission, the
40 Governor shall give due consideration to securing appropriate representation of women
41 and minorities.

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

5 –BUILDING CODE COUNCIL CONFIRMATION

6 Sec. 1.12. G.S. 143-136 reads as rewritten:

7 "**§ 143-136. Building Code Council created; membership.**

8 (a) Creation; Membership; Terms. – There is hereby created a Building Code
9 Council, which shall be composed of 15 members appointed by the Governor, subject to
10 confirmation by the General Assembly as provided by G.S. 147-16.4, consisting of one
11 registered architect, one licensed general contractor, one registered architect or licensed
12 general contractor specializing in residential design or construction, one registered
13 engineer practicing structural engineering, one registered engineer practicing mechanical
14 engineering, one registered engineer practicing electrical engineering, one licensed
15 plumbing and heating contractor, one municipal or county building inspector, one
16 licensed liquid petroleum gas dealer/contractor involved in the design of natural and
17 liquid petroleum gas systems who has expertise and experience in natural and liquid
18 petroleum gas piping, venting and appliances, a representative of the public who is not a
19 member of the building construction industry, a licensed electrical contractor, a registered
20 engineer on the engineering staff of a State agency charged with approval of plans of
21 State-owned buildings, a municipal elected official or city manager, a county
22 commissioner or county manager, and an active member of the North Carolina fire
23 service with expertise in fire safety. In selecting the municipal and county members,
24 preference should be given to members who qualify as either a registered architect,
25 registered engineer, or licensed general contractor. Of the members initially appointed by
26 the Governor, three shall serve for terms of two years each, three shall serve for terms of
27 four years each, and three shall serve for terms of six years each. Thereafter, all
28 appointments shall be for terms of six years. The Governor may remove appointive
29 members at any time. Neither the architect nor any of the above named engineers shall be
30 engaged in the manufacture, promotion or sale of any building material, and any member
31 who shall, during his term, cease to meet the qualifications for original appointment
32 (through ceasing to be a practicing member of the profession indicated or otherwise) shall
33 thereby forfeit his membership on the Council. In making new appointments or filling
34 vacancies, the Governor shall ensure that minorities and women are represented on the
35 Council.

36 The Governor may make appointments to fill the unexpired portions of any terms
37 vacated by reason of death, resignation, or removal from ~~office~~—office, subject to
38 confirmation by the General Assembly as provided by G.S. 147-16.4. In making such
39 appointment, he shall preserve the composition of the Council required above.

40 (b) Compensation. – Members of the Building Code Council other than any who
41 are employees of the State shall receive seven dollars (\$7.00) per day, including
42 necessary time spent in traveling to and from their place of residence within the State to
43 any place of meeting or while traveling on official business of the Council. In addition,

1 all members shall receive mileage and subsistence according to State practice while going
2 to and from any place of meeting, or when on official business of the Council."

3
4 **–BOARD OF AGRICULTURE/NO CONFIRMATION**

5 Sec. 1.13. G.S. 106-2, as amended by Section 2.1 of this act, reads as
6 rewritten:

7 **"§ 106-2. Department of Agriculture, Immigration, and Statistics established;
8 Board of Agriculture, membership, terms of office, etc.**

9 The Department of Agriculture, Immigration, and Statistics is created and established
10 and shall be under the control of the Commissioner of Agriculture, with the consent and
11 advice of a board to be styled 'The Board of Agriculture.' The Board of Agriculture shall
12 consist of the Commissioner of Agriculture, who shall be ex officio a member and
13 chairman thereof and shall preside at all meetings, and ~~of~~ 11 other members from the
14 State at large, so distributed as to reasonably represent the different sections and
15 agriculture of the State. In the appointment of the members of the Board the Governor
16 shall also take into consideration the different agricultural interests of the State, and shall
17 appoint one member who shall be a practical tobacco farmer to represent the tobacco
18 farming interest, one who shall be a practical cotton grower to represent the cotton
19 interest, one who shall be a practical truck farmer or general farmer to represent the truck
20 and general farming interest, one who shall be a practical dairy farmer to represent the
21 dairy and livestock interest of the State, one who shall be a practical poultryman to
22 represent the poultry interest of the State, one who shall be a practical peanut grower to
23 represent the peanut interests, one who shall be a hog farmer to represent the interest of
24 hog farmers, and one who shall be experienced in marketing to represent the marketing of
25 products of the State. ~~The members of such Board shall be appointed by the Governor by and~~
26 ~~with the consent of the Senate, when the terms of the incumbents respectively expire. Upon the~~
27 ~~expiration of each term, the Governor shall appoint a successor. The term of office of~~
28 ~~such these~~ members shall be six years and until their successors are duly appointed and
29 qualified. ~~The terms of office of the five members constituting the present Board of~~
30 ~~Agriculture shall continue for the time for which they were appointed. In making appointments~~
31 ~~for the enlarged Board of Agriculture, the Governor shall make the appointments so that the term~~
32 ~~of three members will be for two years, three for four and four for six years. Thereafter the~~
33 ~~appointments shall be made for six years.—~~The initial appointment of the hog farmer
34 required by this section shall be for a six-year term beginning July 1, 1996. Vacancies ~~in~~
35 ~~such~~ on the Board shall be filled by the Governor for the unexpired term. The
36 Commissioner of Agriculture and the members of the Board of Agriculture shall be
37 practical farmers engaged in their profession."

38
39 **–ATLANTIC STATES MARINE FISHERIES COMMISSION/NO CONFIRMATION**

40 Sec. 1.14. G.S. 113-254 reads as rewritten:

41 **"§ 113-254. North Carolina members of Commission.**

42 In pursuance of Article III of said Compact there shall be three members (hereinafter
43 called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter

1 called Commission) from the State of North Carolina. The first commissioner from the
2 State of North Carolina shall be the Fisheries Director of the Division of Marine Fisheries
3 of the Department, ex officio, and the term of such ex officio commissioner shall
4 terminate at the time he ceases to hold such office, and his successor as commissioner
5 shall be his successor as Fisheries Director of the Division of Marine Fisheries. The
6 second commissioner from the State of North Carolina shall be a legislator and member
7 of the Commission on Interstate Cooperation of the State of North Carolina, ex officio,
8 designated by said Commission on Interstate Cooperation, and the term of any such ex
9 officio commissioner shall terminate at the time he ceases to hold said legislative office
10 or said office as Commissioner on Interstate Cooperation, and his successor as
11 commissioner shall be named in like manner. The Governor (~~by and with the advice and
12 consent of the Senate~~) shall appoint a citizen as a third commissioner who shall have a
13 knowledge of and interest in the marine fisheries problem. The term of said
14 Commissioner shall be three years and he shall hold office until his successor shall be
15 appointed and qualified. Vacancies occurring in the office of such Commissioner from
16 any reason or cause shall be filled by appointment by the Governor (~~by and with the advice
17 and consent of the Senate~~) for the unexpired term. The Fisheries Director of the Division
18 of Marine Fisheries appointed pursuant to Article III as ex officio commissioner may
19 delegate, from time to time, to any deputy or other subordinate of the Fisheries Director,
20 the power to be present and participate, including voting, as his representative or
21 substitute at any meeting of or hearing by or other proceedings of the Commission. The
22 terms of each of the initial three members shall begin at the date of the appointment of
23 the appointive commissioner, provided the said Compact shall then have gone into effect
24 in accordance with Article II of the Compact; otherwise they shall begin upon the date
25 upon which said Compact shall become effective in accordance with said Article II.

26 Any commissioner may be removed from office by the Governor upon charges and
27 after a hearing."
28

29 –TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF
30 TRUSTEES/NO CONFIRMATION

31 Sec. 1.15. G.S. 135-6(b) reads as rewritten:

32 "(b) (**Applicable until January 1, 1997**) Membership of Board; Terms. – The
33 Board shall consist of 14 members, as follows:

- 34 (1) The State Treasurer, ex officio;
- 35 (2) The Superintendent of Public Instruction, ex officio;
- 36 (3) Ten members to be appointed by the ~~Governor and confirmed by the~~
37 ~~Senate of North Carolina.~~ Governor. One of the appointive members shall
38 be a member of the teaching profession of the State; one of the
39 appointive members shall be an employee of the Board of
40 Transportation, who shall be appointed by the Governor for a term of
41 four years commencing April 1, 1947, and quadrennially thereafter; one
42 of the appointive members shall be a representative of higher education
43 appointed by the Governor for a term of four years commencing July 1,

1 1969, and quadrennially thereafter; one of the appointive members shall
2 be a retired teacher who is drawing a retirement allowance, appointed
3 by the Governor for a term of four years commencing July 1, 1969, and
4 quadrennially thereafter; one shall be a retired State employee who is
5 drawing a retirement allowance, appointed by the Governor for a term
6 of four years commencing July 1, 1977, and quadrennially thereafter;
7 one to be a general State employee, and three who are not members of
8 the teaching profession or State employees; two to be appointed for a
9 term of two years, two for a term of three years and one for a term of
10 four years; one appointive member shall be a law-enforcement officer
11 employed by the State, appointed by the Governor, for a term of four
12 years commencing April 1, 1985. At the expiration of these terms of
13 office the appointment shall be for a term of four years;

- 14 (4) Two members appointed by the General Assembly, one appointed upon
15 the recommendation of the Speaker of the House of Representatives,
16 and one appointed upon the recommendation of the President of the
17 Senate in accordance with G.S. 120-121. Neither of these members may
18 be an active or retired teacher or State employee or an employee of a
19 unit of local government. The initial members appointed by the General
20 Assembly shall serve for terms expiring June 30, 1983. Thereafter, their
21 successors shall serve for two-year terms beginning July 1 of odd-
22 numbered years. Vacancies in appointments made by the General
23 Assembly shall be filled in accordance with G.S. 120-122."
24

25 –COMMISSIONER OF MOTOR VEHICLES CONFIRMATION

26 Sec. 1.16. G.S. 20-2 reads as rewritten:

27 "**§ 20-2. Commissioner of Motor Vehicles; rules.**

28 (a) Commissioner and Assistants. – The Division of Motor Vehicles shall be
29 administered by the Commissioner of Motor Vehicles, who shall be appointed by and
30 serve at the pleasure of the Secretary of the Department of ~~Transportation~~ Transportation;
31 provided that the appointment is subject to confirmation by the General Assembly as
32 provided by G.S. 147-16.4 as if the appointment was made by the Governor. The
33 Commissioner shall be paid an annual salary to be fixed by the General Assembly in the
34 Current Operations Appropriations Act and allowed his traveling expenses as allowed by
35 law. An acting Commissioner may be appointed by the Secretary under the same
36 procedures as the Governor may appoint an acting officer under G.S. 147-12(3) and G.S.
37 147-16.4.

38 In any action, proceeding, or matter of any kind, to which the Commissioner of Motor
39 Vehicles is a party or in which he may have an interest, all pleadings, legal notices, proof
40 of claim, warrants for collection, certificates of tax liability, executions, and other legal
41 documents, may be signed and verified on behalf of the Commissioner of Motor Vehicles
42 by the Assistant Commissioner of Motor Vehicles or by any director or assistant director

1 of any section of the Division of Motor Vehicles or by any other agent or employee of the
2 Division so authorized by the Commissioner of Motor Vehicles.

3 (b) Rules. – The Commissioner may adopt rules to implement this Chapter.
4 Chapter 150B of the General Statutes governs the adoption of rules by the
5 Commissioner."

6
7 – CHAIRMAN OF EMPLOYMENT SECURITY COMMISSION

8 Sec. 1.17. G.S. 96-3 reads as rewritten:

9 **"§ 96-3. Employment Security Commission.**

10 (a) Organization. – There is hereby created a commission to be known as the
11 Employment Security Commission of North Carolina. The Commission shall consist of
12 seven members to be appointed by the Governor on or before July 1, 1941. The Governor
13 shall have the power to designate the member of said Commission who shall act as the
14 chairman ~~thereof.~~ thereof, subject to confirmation by the General Assembly as provided
15 by G.S. 147-16.4. The chairman of the Commission shall not engage in any other
16 business, vocation or employment. Three members of the Commission shall be appointed
17 by the Governor to serve for a term of two years. Three members shall be appointed to
18 serve for a term of four years, and upon the expiration of the respective terms, the
19 successors of said members shall be appointed for a term of four years each, thereafter,
20 and the member of said Commission designated by the Governor as chairman shall serve
21 at the pleasure of the Governor. Any member appointed to fill a vacancy occurring in any
22 of the appointments made by the Governor prior to the expiration of the term for which
23 his predecessor was appointed shall be appointed for the remainder of such ~~term.~~ term,
24 provided that the designation of a chairman to fill a vacancy is subject to confirmation by
25 the General Assembly as provided by G.S. 147-16.4. The Governor may at any time
26 after notice and hearing, remove any Commissioner for gross inefficiency, neglect of
27 duty, malfeasance, misfeasance, or nonfeasance in office.

28 (b) Divisions. – The Commission shall establish two coordinate divisions: the
29 North Carolina State Employment Service Division, created pursuant to G.S. 96-20, and
30 the Unemployment Insurance Division. Each division shall be responsible for the
31 discharge of its distinctive functions. Each division shall be a separate administrative
32 unit with respect to personnel and duties, except insofar as the Commission may find that
33 such separation is impracticable. Notwithstanding any other provision of this Chapter,
34 administrative organization of the agency shall be in accordance with that which the
35 Commission finds most desirable in order to perform the duties and functions of the
36 agency.

37 (c) Salaries. – The chairman of the Employment Security Commission of North
38 ~~Carolina, appointed by the Governor, Carolina~~ shall be paid from the Employment Security
39 Administration Fund a salary payable on a monthly basis, which salary shall be fixed by
40 the General Assembly in the Current Operations Appropriations Act; and the members of
41 the Commission, other than the chairman, shall each receive the same amount per diem
42 for their services as is provided for the members of other State boards, commissions, and
43 committees who receive compensation for their services as such, including necessary

1 time spent in traveling to and from his place of residence within the State to the place of
2 meeting while engaged in the discharge of the duties of his office and his actual traveling
3 expenses, the same to be paid from the aforesaid fund.

4 (d) Quorum. – The chairman or his designee and three members of the
5 Commission shall constitute a quorum."

6
7 –BANKING COMMISSIONER (CONFORMING CHANGES)

8 Sec. 1.18. G.S. 53-92 reads as rewritten:

9 **"§ 53-92. (Applicable until January 1, 1997) Appointment of Commissioner of**
10 **Banks; State Banking Commission.**

11 On or before April 1, 1983, and quadrennially thereafter, the Governor shall appoint a
12 Commissioner of Banks subject to confirmation by the General Assembly ~~by joint~~
13 ~~resolution, as provided by G.S. 147-16.4. The name of the Commissioner of Banks shall be~~
14 ~~submitted to the General Assembly on or before February 1, of the year in which the term of his~~
15 ~~office begins.~~ The term of office for the Commissioner of Banks shall be four years. ~~In~~
16 ~~case of a vacancy in the office of Commissioner of Banks for any reason prior to the expiration~~
17 ~~of his term of office, the name of his successor shall be submitted by the Governor to the General~~
18 ~~Assembly, not later than four weeks after the vacancy arises. If a vacancy arises in the office~~
19 ~~when the General Assembly is not in session, the Commissioner of Banks shall be appointed by~~
20 ~~the Governor to serve on an interim basis pending confirmation by the General Assembly.~~

21 The State Banking Commission, which has heretofore been created, shall consist of
22 the State Treasurer, who shall serve as an ex officio member thereof, 12 members
23 appointed by the Governor, and two members appointed by the General Assembly under
24 G.S. 120-121, one of whom shall be appointed upon the recommendation of the President
25 of the Senate and one of whom shall be appointed upon the recommendation of the
26 Speaker of the House of Representatives. The Governor shall appoint five practical
27 bankers and seven persons selected primarily as representatives of the borrowing public.
28 The person appointed by the General Assembly upon the recommendation of the
29 President of the Senate shall be a practical banker. The person appointed by the General
30 Assembly upon the recommendation of the Speaker of the House shall be a person
31 selected primarily as a representative of the borrowing public. The persons selected
32 primarily as representatives of the borrowing public shall not be employees or directors
33 of any financial institution nor shall they have any interest in any regulated financial
34 institution other than as a result of being a depositor or borrower. Under this section, no
35 person shall be considered to have an interest in a financial institution whose interest in
36 any financial institution does not exceed one-half of one percent (1/2 of 1%) of the
37 capital stock of that financial institution. These members of the Commission shall be
38 selected so as to fully represent the consumer, industrial, manufacturing, professional,
39 business and farming interests of the State. No person shall serve on the Commission for
40 more than two complete consecutive terms. As the terms of office of the appointive
41 members of the Commission expire, their successors shall be appointed by the person
42 appointing them, for terms of four years each. Any vacancy occurring in the membership
43 of the Commission shall be filled by the appropriate appointing officer for the unexpired

1 term, except that vacancies among members appointed by the General Assembly shall be
2 filled in accordance with G.S. 120-122. The appointed members of the Commission shall
3 receive as compensation for their services the same per diem and expenses as is paid to
4 the members of the Advisory Budget Commission. This compensation shall be paid from
5 the fees collected from the examination of banks as provided by law.

6 The Banking Commission shall meet at such time or times, and not less than once
7 every three months, as the Commission shall, by resolution, prescribe, and the
8 Commission may be convened in special session at the call of the Governor, or upon the
9 request of the Commissioner of Banks. The State Treasurer shall be chairman of the said
10 Commission.

11 No member of said Commission shall act in any matter affecting any bank in which
12 he is financially interested, or with which he is in any manner connected. No member of
13 said Commission shall divulge or make use of any information coming into his
14 possession as a result of his service on such Commission, and shall not give out any
15 information with reference to any facts coming into his possession by reason of his
16 services on such Commission in connection with the condition of any State banking
17 institution, unless such information shall be required of him at any hearing at which he is
18 duly subpoenaed, or when required by order of a court of competent jurisdiction.

19 A quorum shall consist of a majority of the total membership of the Banking
20 Commission. A majority vote of the members qualified with respect to a matter under
21 review present at that meeting shall constitute valid action of the Banking Commission.
22 The State Treasurer and all disqualified members who are present shall be counted to
23 determine whether a quorum is present at a meeting.

24 The Commissioner of Banks shall act as the executive officer of the Banking
25 Commission, but the Commission shall provide, by rules and regulations, for hearings
26 before the Commission upon any matter or thing which may arise in connection with the
27 banking laws of this State upon the request of any person interested therein, and review
28 any action taken or done by the Commissioner of Banks.

29 The Banking Commission is hereby vested with full power and authority to supervise,
30 direct and review the exercise by the Commissioner of Banks of all powers, duties, and
31 functions now vested in or exercised by the Commissioner of Banks under the banking
32 laws of this State; any party to a proceeding before the Banking Commission may, within
33 20 days after final order of said Commission and by written notice to the Commissioner
34 of Banks, appeal to the Superior Court of Wake County for a final determination of any
35 question of law which may be involved. The cause shall be entitled 'State of North
36 Carolina on Relation of the Banking Commission against (here insert name of appellant).'

37 It shall be placed on the civil issue docket of such court and shall have precedence over
38 other civil actions. In the event of an appeal the Commissioner shall certify the record to
39 the Clerk of Superior Court of Wake County within 15 days thereafter."

40
41 –STATE CONTROLLER (CONFORMING CHANGES)

42 Sec. 1.19. G.S. 143B-426.37 reads as rewritten:

43 "**§ 143B-426.37. State Controller.**

1 (a) The Office of the State Controller shall be headed by the State Controller who
2 shall maintain the State accounting system and shall administer the State disbursing
3 system.

4 (b) The State Controller shall be a person qualified by education and experience
5 for the office and shall be appointed by the Governor subject to confirmation by the
6 General Assembly. ~~Assembly as provided by G.S. 147-16.4.~~ The term of office of the
7 State Controller shall be for seven years; the first full term shall begin July 1, 1987.

8 ~~The Governor shall submit the name of the person to be appointed, for confirmation~~
9 ~~by the General Assembly, to the President of the Senate and the Speaker of the House of~~
10 ~~Representatives by May 1 of the year in which the State Controller is to be appointed. If~~
11 ~~the Governor does not submit the name by that date, the President of the Senate and the~~
12 ~~Speaker of the House of Representatives shall submit a name to the General Assembly~~
13 ~~for confirmation.~~

14 ~~In case of death, incapacity, resignation, removal by the Governor for cause, or~~
15 ~~vacancy for any other reason in the Office of State Controller prior to the expiration of~~
16 ~~the term of office while the General Assembly is in session, the Governor shall submit~~
17 ~~the name of a successor to the President of the Senate and the Speaker of the House of~~
18 ~~Representatives within four weeks after the vacancy occurs. If the Governor does not do~~
19 ~~so, the President of the Senate and the Speaker of the House of Representatives shall~~
20 ~~submit a name to the General Assembly for confirmation.~~

21 ~~In case of death, incapacity, resignation, removal by the Governor for cause, or~~
22 ~~vacancy for any other reason in the Office of State Controller prior to the expiration of~~
23 ~~the term of office while the General Assembly is not in session, the Governor shall~~
24 ~~appoint a State Controller to serve on an interim basis pending confirmation by the~~
25 ~~General Assembly.~~

26 (c) The salary of the State Controller shall be set by the General Assembly in the
27 Current Operations Appropriations Act."

28
29 ~~–UTILITIES COMMISSION (CONFORMING CHANGES)~~

30 ~~Sec. 1.20. G.S. 62-10 reads as rewritten:~~

31 **~~"§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies;~~**
32 **~~compensation; other employment prohibited.~~**

33 (a) The North Carolina Utilities Commission shall consist of seven commissioners
34 who shall be appointed by the Governor subject to confirmation by the General Assembly
35 ~~by joint resolution, as provided by G.S. 147-16.4.~~ ~~The names of commissioners to be~~
36 ~~appointed by the Governor shall be submitted by the Governor to the General Assembly for~~
37 ~~confirmation by the General Assembly on or before May 1, of the year in which the terms for~~
38 ~~which the appointments are to be made are to expire. Upon failure of the Governor to submit~~
39 ~~names as herein provided, the Lieutenant Governor and Speaker of the House jointly shall~~
40 ~~submit the names of a like number of commissioners to the General Assembly on or before May~~
41 ~~15 of the same year for confirmation by the General Assembly. Regardless of the way in which~~
42 ~~names of commissioners are submitted, confirmation of commissioners must be accomplished~~

1 ~~prior to adjournment of the then current session of the General Assembly.~~—This subsection
2 shall be subject to the provisions of subsection (c) of this section.

3 (b) The terms of the commissioners now serving shall expire at the conclusion of
4 the term for which they were appointed which shall remain as before with two regular
5 eight-year terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth
6 term expiring on July 1 of each eighth year after July 1, 1963. The terms of office of
7 utilities commissioners thereafter shall be eight years commencing on July 1 of the year
8 in which the predecessor terms expired, and ending on July 1 of the eighth year
9 thereafter.

10 (c) In order to increase the number of commissioners to seven, the names of two
11 additional commissioners shall be submitted to the General Assembly on or before May
12 27, 1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The
13 commissioners so appointed and confirmed shall serve new terms commencing on July 1,
14 1975, one of which shall be for a period of two years (with the immediate successor
15 serving for a period of six years), and one of which shall be for a period of two years.

16 Thereafter, the terms of office of the additional commissioners shall be for eight years
17 as provided in G.S. 62-10(b).

18 (d) A commissioner in office shall continue to serve until his successor is duly
19 confirmed and qualified but such holdover shall not affect the expiration date of such
20 succeeding term.

21 (e) On July 1, 1965, and every four years thereafter, one of the commissioners
22 shall be designated by the Governor to serve as chairman of the Commission for the
23 succeeding four years and until his successor is duly confirmed and qualifies. Upon death
24 or resignation of the commissioner appointed as chairman, the Governor shall designate
25 the chairman from the remaining commissioners and appoint a successor as hereinafter
26 provided to fill the vacancy on the Commission.

27 ~~(f) In case of death, incapacity, resignation or vacancy for any other reason in the~~
28 ~~office of any commissioner prior to the expiration of his term of office, the name of his~~
29 ~~successor shall be submitted by the Governor within four weeks after the vacancy arises~~
30 ~~to the General Assembly for confirmation by the General Assembly. Upon failure of the~~
31 ~~Governor to submit the name of the successor, the Lieutenant Governor and Speaker of~~
32 ~~the House jointly shall submit the name of a successor to the General Assembly within~~
33 ~~six weeks after the vacancy arises. Regardless of the way in which names of~~
34 ~~commissioners are submitted, confirmation of commissioners must be accomplished prior~~
35 ~~to the adjournment of the then current session of the General Assembly.~~

36 ~~(g) If a vacancy arises or exists pursuant to either subsection (a) or (c) or (f) of this~~
37 ~~section when the General Assembly is not in session, and the appointment is deemed~~
38 ~~urgent by the Governor, the commissioner may be appointed and serve on an interim~~
39 ~~basis pending confirmation by the General Assembly.~~

40 (h) The salary of each commissioner and that of the commissioner designated as
41 chairman shall be set by the General Assembly in the Current Operations Appropriations
42 Act. In lieu of merit and other increment raises paid to regular State employees, each
43 commissioner, including the commissioner designated as chairman, shall receive as

1 longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual
2 salary set forth in the Current Operations Appropriations Act payable monthly after five
3 years of service, and nine and six-tenths percent (9.6%) after 10 years of service.
4 "Service" means service as a member of the Utilities Commission.

5 (i) The standards of judicial conduct provided for judges in Article 30 Chapter 7A
6 of the General Statutes shall apply to members of the Commission. Members of the
7 Commission shall be liable to impeachment for the causes and in the manner provided for
8 judges of the General Court of Justice in Chapter 123 of the General Statutes. Members
9 of the Commission shall not engage in any other employment, business, profession, or
10 vocation while in office.

11 (j) Members of the Commission shall be reimbursed for travel and subsistence
12 expenses at the rates allowed to State officers and employees by G.S. 138-6(a)."
13

14 –EXECUTIVE DIRECTOR OF UTILITIES COMMISSION (CONFORMING
15 CHANGES)

16 Sec. 1.21. G.S. 62-15(a) reads as rewritten:

17 "(a) There is established in the Commission the office of executive director, whose
18 salary shall be the same as that fixed for members of the Commission. The executive
19 director shall be appointed by the ~~Governor subject to confirmation by the General Assembly~~
20 ~~by joint resolution.~~ Governor, subject to confirmation by the General Assembly as
21 provided by G.S. 147-16.4. ~~The name of the executive director appointed by the Governor~~
22 ~~shall be submitted to the General Assembly on or before May 1 of the year in which the term of~~
23 ~~his office begins.~~ The term of office for the executive director shall be six years, and the
24 initial term shall begin July 1, 1977. The executive director may be removed from office
25 by the Governor in the event of his incapacity to serve; and the executive director shall be
26 removed from office by the Governor upon the affirmative recommendation of a majority
27 of the Commission, after consultation with the Joint Legislative Utility Review
28 Committee of the General Assembly. ~~In case of a vacancy in the office of executive director~~
29 ~~for any reason prior to the expiration of his term of office, the name of his successor shall be~~
30 ~~submitted by the Governor to the General Assembly, not later than four weeks after the vacancy~~
31 ~~arises. If a vacancy arises in the office when the General Assembly is not in session, the~~
32 ~~executive director shall be appointed by the Governor to serve on an interim basis pending~~
33 ~~confirmation by the General Assembly."~~
34

35 –STATE PERSONNEL COMMISSION (CONFORMING CHANGES)

36 Sec. 1.22. G.S. 126-2(b), as amended by Section 2.6 of this act, reads as
37 rewritten:

38 "(b) The Commission shall consist of seven members who shall be appointed by the
39 ~~Governor~~ Governor, subject to confirmation by the General Assembly as provided by G.S.
40 147-16.4, as follows:

- 41 (1) Two members shall be chosen from employees of the State subject to
42 the provisions of this Chapter, one of whom shall be a member of the
43 political party having the greatest number of registered voters in the

1 State, and one of whom shall be a member of the political party having
2 the second highest number of registered voters in the State. At least one
3 of these two members must be knowledgeable of personnel issues but
4 may not be a personnel officer for an agency.

5 (2) Two members shall be appointed from a list of individuals nominated
6 by the North Carolina Association of County Commissioners, one of
7 whom shall be a member of the political party having the greatest
8 number of registered voters in the State, and one of whom shall be a
9 member of the political party having the second highest number of
10 registered voters in the State. Of these two members, one must also be
11 an employee of a local government subject to this Chapter.

12 (3) One member shall be appointed who is actively engaged in the
13 management of a private business or industry.

14 (4) Two members shall be appointed from the public at large, one of whom
15 shall be an attorney licensed to practice law in North Carolina who is
16 neither a State nor local government employee.

17 Of the initial members of the Commission, two shall be appointed to serve for terms
18 of two years, two shall be appointed to serve for terms of four years, and three shall be
19 appointed to serve for terms of six years. Their successors shall be appointed by the
20 Governor for terms of six years. Any vacancy occurring prior to the expiration of a term
21 shall be filled by appointment for the unexpired ~~term~~-term, subject to confirmation by the
22 General Assembly as provided by G.S. 147-16.4."

23 Sec. 1.23. G.S. 126-2(c) is repealed.

24 25 PART II. BOARDS AND COMMISSIONS CHANGES

26 27 -BOARD OF AGRICULTURE

28 Section 2.1. G.S. 106-2 reads as rewritten:

29 "**§ 106-2. Department of Agriculture, Immigration, and Statistics established; 30 Board of Agriculture, membership, terms of office, etc.**

31 The Department of Agriculture, Immigration, and Statistics is created and established
32 and shall be under the control of the Commissioner of Agriculture, with the consent and
33 advice of a board to be styled 'The Board of Agriculture.' The Board of Agriculture shall
34 consist of the Commissioner of Agriculture, who shall be ex officio a member and
35 chairman thereof and shall preside at all meetings, and of ~~10~~11 other members from the
36 State at large, so distributed as to reasonably represent the different sections and
37 agriculture of the State. In the appointment of the members of the Board the Governor
38 shall also take into consideration the different agricultural interests of the State, and shall
39 appoint one member who shall be a practical tobacco farmer to represent the tobacco
40 farming interest, one who shall be a practical cotton grower to represent the cotton
41 interest, one who shall be a practical truck farmer or general farmer to represent the truck
42 and general farming interest, one who shall be a practical dairy farmer to represent the
43 dairy and livestock interest of the State, one who shall be a practical poultryman to

1 represent the poultry interest of the State, one who shall be a practical peanut grower to
2 represent the peanut interests, one who shall be a hog farmer to represent the interest of
3 hog farmers, one who shall be a ~~man~~-experienced in marketing to represent the marketing
4 of products of the State. The members of such Board shall be appointed by the Governor
5 by and with the consent of the Senate, when the terms of the incumbents respectively
6 expire. The term of office of such members shall be six years and until their successors
7 are duly appointed and qualified. The terms of office of the five members constituting the
8 present Board of Agriculture shall continue for the time for which they were appointed.
9 In making appointments for the enlarged Board of Agriculture, the Governor shall make
10 the appointments so that the term of three members will be for two years, three for four
11 and four for six years. Thereafter the appointments shall be made for six years. The
12 initial appointment of the hog farmer required by this section shall be for a six-year term
13 beginning July 1, 1996. Vacancies ~~in such~~ on the Board shall be filled by the Governor
14 for the unexpired term. The Commissioner of Agriculture and the members of the Board
15 of Agriculture shall be practical farmers engaged in their profession."

16
17 –GOVERNOR'S CRIME COMMISSION

18 Sec. 2.2. (a) G.S. 143B-478(a)(1) reads as rewritten:

19 "(1) The voting members shall be:

- 20 a. The Governor, the Chief Justice of the Supreme Court of North
21 Carolina (or his alternate), the Attorney General, the Director of
22 the Administrative Office of the Courts, the Secretary of the
23 Department of Human Resources, the Secretary of the
24 Department of Correction, and the Superintendent of Public
25 ~~Instruction;~~ Instruction.
- 26 b. A judge of superior court, a judge of district court specializing in
27 juvenile matters, a chief district court judge, and a district
28 ~~attorney;~~ attorney. Of these appointees, two shall be members of
29 the political party having the largest number of registered voters
30 in the State, and two shall be members of the political party
31 having the second largest number of registered voters in the
32 State.
- 33 c. A defense attorney, three sheriffs (one of whom shall be from a
34 'high crime area'), three police executives (one of whom shall be
35 from a 'high crime area'), six citizens (two with knowledge of
36 juvenile delinquency and the public school system, two of whom
37 shall be under the age of 21 at the time of their appointment, one
38 representative of a "private juvenile delinquency program," and
39 one in the discretion of the Governor), three county
40 commissioners or county officials, and three mayors or municipal
41 ~~officials;~~ officials.
- 42 d. Two members of the North Carolina House of ~~Representatives~~
43 Representatives, one of whom is a member of the political party

1 having the greatest number of members in the House of
2 Representatives and one of whom is a member of the political
3 party having the second highest number of members in the House
4 of Representatives, and two members of the North Carolina
5 Senate. Senate, one of whom is a member of the political party
6 having the greatest number of members in the Senate and one of
7 whom is a member of the political party having the second
8 highest number of members in the Senate."

9 (b) G.S. 143B-478(b)(3) reads as rewritten:

10 "(3) The following members shall be appointed by the Governor from a list
11 submitted by the Chief Justice of the Supreme Court, ~~which list shall~~
12 ~~contain no less than three nominees for each position and which list~~
13 ~~must be submitted within 30 days after the occurrence of any vacancy in~~
14 ~~the judicial membership: Court: the judge of superior court, the judge of~~
15 ~~district court specializing in juvenile matters, and the chief district court~~
16 ~~judge. The Chief Justice shall submit a list of at least three nominees~~
17 ~~for each position within 30 days after a vacancy in the judicial~~
18 ~~membership. Of the three or more nominees for each position, at least~~
19 ~~one shall be a member of the political party having the largest number~~
20 ~~of registered voters in the State, and at least one shall be a member of~~
21 ~~the political party having the second largest number of registered voters~~
22 ~~in the State."~~

23
24 –ENVIRONMENTAL MANAGEMENT COMMISSION

25 Sec. 2.3. G.S. 143B-283 reads as rewritten:

26 "**§ 143B-283. Environmental Management Commission – members; selection;**
27 **removal; compensation; quorum; services.**

28 (a) The Environmental Management Commission shall consist of 13 members
29 appointed by the ~~Governor. Governor and four members appointed by the General~~
30 ~~Assembly in accordance with subsection (d) of this section.~~ The Governor shall select
31 the members so that the membership of the Commission shall consist of:

- 32 (1) One who shall be a licensed physician with specialized training and
33 experience in the health effects of environmental pollution;
- 34 (2) One who shall, at the time of appointment, be actively connected with
35 the Commission for Health Services or local board of health or have
36 experience in health sciences;
- 37 (3) One who shall, at the time of appointment, be actively ~~connected with or~~
38 ~~have had experience in agriculture; practicing as a farmer;~~
- 39 (4) One who shall, at the time of appointment, be a registered engineer with
40 specialized training and experience in water supply or water or air
41 pollution control;

- 1 (5) One who shall, at the time of appointment, be actively connected with
2 or have had experience in the fish and wildlife conservation activities of
3 the State;
- 4 (6) One who shall, at the time of appointment, have special training and
5 scientific expertise in hydrogeology or groundwater hydrology;
- 6 (7) ~~Three~~ Two members interested in water and air pollution control,
7 appointed from the public at large;
- 8 (8) One who shall, at the time of appointment, be actively connected with
9 industrial production or have had experience in the field of industrial air
10 and water pollution control;
- 11 (9) One who shall, at the time of appointment, be actively connected with
12 or have had experience in pollution control problems of municipal or
13 county government;
- 14 (9a) One who shall, at the time of appointment, be a builder or developer;
- 15 (10) One who shall, at the time of appointment, have special training and
16 scientific expertise in air pollution control and the effects of air
17 pollution; and
- 18 (11) One who shall, at the time of appointment, have special training and
19 scientific expertise in freshwater, estuarine, marine biological, or
20 ecological sciences.

21 (b) Members so appointed shall serve terms of office of six years. Any
22 appointment to fill a vacancy on the Commission created by the resignation, dismissal,
23 death or disability of a member shall be for the balance of the unexpired term. At the
24 expiration of each member's term, the Governor shall replace the member with a new
25 member of like qualifications. The initial members of the Environmental Management
26 Commission shall be those members of the present Board of Water and Air Resources
27 who shall meet the above standards for membership on the Environmental Management
28 Commission and who shall serve on the Environmental Management Commission for a
29 period equal to the remainder of their current terms on the Board of Water and Air
30 Resources, four of whose appointments expire June 30, 1975, five of whose appointments
31 expire June 30, 1977, and four of whose appointments expire June 30, 1979. Any initial
32 appointment to replace a member of the present Board of Water and Air Resources who
33 does not meet the above standards for membership on the Environmental Management
34 Commission shall be for a period equal to the replaced member's unexpired term. The
35 initial appointment for category (9a) shall be for a four-year term commencing July 1,
36 1996, and expiring June 30, 2000. Successors shall be appointed for six-year terms.

37 The Governor shall have the power to remove any member of the Commission from
38 office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of
39 G.S. 143B-13 of the Executive Organization Act of 1973.

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

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

1 All clerical and other services required by the Commission shall be supplied by the
2 Secretary of Environment, Health, and Natural Resources.

3 (c) Nine of the members appointed by the Governor under this section shall be
4 persons who do not derive any significant portion of their income from persons subject to
5 permits or enforcement orders under this Chapter. The Governor shall require adequate
6 disclosure of potential conflicts of interest by members. The Governor, by executive
7 order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for
8 determining the eligibility of persons under this section, giving due regard to the
9 requirements of federal legislation, and for this purpose may promulgate rules,
10 regulations or guidelines in conformance with those established by any federal agency
11 interpreting and applying provisions of federal law.

12 (d) In addition to the members designated by subsection (a), the General Assembly
13 shall appoint four members, two upon the recommendation of the Speaker of the House
14 of Representatives, and two upon the recommendation of the President of the Senate.
15 Appointments by the General Assembly shall be made in accordance with G.S. 120-121,
16 and vacancies in those appointments shall be filled in accordance with G.S. 120-122. The
17 terms of initial appointees by the General Assembly shall expire on June 30, 1983.
18 Thereafter, these members shall serve two-year terms."

19
20 –POST-RELEASE SUPERVISION AND PAROLE COMMISSION

21 Sec. 2.4. G.S. 143B-267 reads as rewritten:

22 **"§ 143B-267. Post-Release Supervision and Parole Commission – members;**
23 **selection; removal; chairman; compensation; quorum; services.**

24 The Post-Release Supervision and Parole Commission shall consist of ~~five~~three full-
25 time members. The ~~five~~three full-time members shall be appointed by the Governor
26 from persons whose recognized ability, training, experience, and character qualify them
27 for service on the Commission. The terms of office of the five members presently
28 serving on the Commission shall expire on June 30, 1993. The terms of three members
29 appointed effective July 1, 1993, shall be for three ~~years~~years, but only one successor
30 shall be appointed for terms commencing on or after July 1, 1996. The terms of two
31 members appointed effective July 1, 1993, shall be for four years. Thereafter, the terms
32 of office of persons appointed by the Governor as members of the Commission shall be
33 for four years or until their successors are appointed and qualify. Any appointment to fill
34 a vacancy on the Commission created by the resignation, removal, death or disability of a
35 full-time member shall be for the balance of the unexpired term only.

36 The Governor shall have the authority to remove any member of the Commission
37 from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of
38 G.S. 143B-13. The Governor shall designate a full-time member of the Commission to
39 serve as chairman of the Commission at the pleasure of the Governor.

40 With regard to the transaction of the business of the Commission the following
41 procedure shall be followed: The chairman shall designate panels of two voting
42 Commission members and shall designate a third commissioner to serve as an alternate
43 member of a panel. Insofar as practicable, the chairman shall assign the members to

1 panels in such fashion that each commissioner sits a substantially equal number of times
2 with each other commissioner. Whenever any matter of business, such as the granting,
3 denying, revoking or rescinding of parole, or the authorization of work-release privileges
4 to a prisoner, shall come before the Commission for consideration and action, the
5 chairman shall refer such matter to a panel. Action may be taken by concurring vote of
6 the two sitting panel members. If there is not a concurring vote of the two panel
7 members, the matter will be referred to the alternate member who shall cast the deciding
8 vote. However, no person serving a sentence of life imprisonment shall be granted parole
9 or work-release privileges except by majority vote of the full Commission.

10 The full-time members of the Commission shall receive the salary fixed by the
11 General Assembly in the Current Operations Appropriations Act and shall receive
12 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-
13 6.

14 All clerical and other services required by the Commission shall be supplied by the
15 Secretary of Correction."
16

17 ~~STATE PERSONNEL COMMISSION~~

18 Sec. 2.5. G.S. 126-2(b) reads as rewritten:

19 "(b) The Commission shall consist of seven members who shall be appointed by the
20 Governor ~~on July 1, 1965, or as soon thereafter as is practicable.~~ as follows:

21 (1) Two members of the Commission shall be chosen from employees of the
22 State subject to the provisions of this Chapter; Chapter, one of whom
23 shall be a member of the political party having the greatest number of
24 registered voters in the State, and one of whom shall be a member of the
25 political party having the second highest number of registered voters in
26 the State. At least one of these two members must be knowledgeable of
27 personnel issues but may not be a personnel officer for an agency.

28 (2) ~~two~~ Two members shall be appointed, of which one shall be an
29 employee of local government subject to the provisions of this Chapter,
30 appointed from a list of individuals nominated by the North Carolina
31 association of county commissioners; Association of County
32 Commissioners, one of whom shall be a member of the political party
33 having the greatest number of registered voters in the State, and one of
34 whom shall be a member of the political party having the second highest
35 number of registered voters in the State. Of these two members, one
36 must also be an employee of a local government subject to this Chapter.

37 (3) ~~two members~~ One member shall be ~~individuals~~ appointed who is actively
38 engaged in the management of a private business or ~~industry~~; and
39 industry.

40 (4) ~~one member~~ Two members shall be appointed from the public at ~~large~~.
41 large, one of whom shall be an attorney licensed to practice law in
42 North Carolina who is neither a State nor local government employee.

1 Of the initial members of the Commission, two shall be appointed to serve for terms
2 of two years, two shall be appointed to serve for terms of four years, and three shall be
3 appointed to serve for terms of six years. Their successors shall be appointed by the
4 Governor for terms of six years. Any vacancy occurring prior to the expiration of a term
5 shall be filled by appointment for the unexpired term."
6

7 ~~ZOOLOGICAL PARK COUNCIL~~

8 Sec. 2.6. (a) G.S. 143B-336 reads as rewritten:

9 **"§ 143B-336. North Carolina Zoological Park Council – members; selection;
10 removal; chairman; compensation; quorum; services.**

11 The North Carolina Zoological Park Council of the Department of Environment,
12 Health, and Natural Resources shall consist of ~~15-13 members: four members~~ appointed
13 by the Governor, ~~one of whom shall be the~~ Chairman of the Board of Directors of the
14 North Carolina Zoological Society. ~~Society ex officio, four members appointed by the~~
15 General Assembly upon the recommendation of the Speaker of the House of
16 Representatives in accordance with G.S. 120-121, and four members appointed by the
17 General Assembly upon the recommendation of the President Pro Tempore of the Senate
18 in accordance with G.S. 120-121. ~~The initial members of the Council shall be the members of~~
19 ~~the Board of Directors of the North Carolina Zoo Authority who shall serve for a period equal to~~
20 ~~the remainder of their current terms on the Board of Directors of the North Carolina Zoological~~
21 ~~Authority, all of whose terms expire July 15, 1975. At the end of the respective terms of office of~~
22 ~~the initial members of the Council, the Governor, to achieve staggered terms, shall appoint five~~
23 ~~members for terms of two years, five members for terms of four years and five members for~~
24 ~~terms of six years.—The Governor shall appoint four members for two-year terms~~
25 commencing July 1, 1996. The General Assembly upon the recommendation of the
26 Speaker of the House of Representatives shall appoint four members for four-year terms
27 commencing July 1, 1996. The General Assembly upon the recommendation of the
28 President Pro Tempore of the Senate shall appoint four members for four-year terms
29 commencing July 1, 1996. ~~Thereafter, the appointment of their successors shall be for~~
30 ~~terms of six-four years and until their successors are appointed and qualify. Any~~
31 ~~appointment to fill a vacancy on the Council created by the resignation, dismissal, death~~
32 ~~or disability of a member shall be for the balance of the unexpired term.~~

33 The Governor shall have the power to remove any member of the Council from office
34 in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of
35 1973.

36 The Governor shall designate a member of the Council to serve as chairman at his
37 pleasure.

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

40 A majority of the Council shall constitute a quorum for the transaction of business.

41 All clerical and other services required by the Council shall be supplied by the
42 Secretary of Environment, Health, and Natural Resources."

1 (b) The terms of all positions on the North Carolina Zoological Park Council as
2 of the effective date of this Part expire June 30, 1996.

3
4 ~~–UNC HOSPITALS AT CHAPEL HILL/REORGANIZATION~~

5 Sec. 2.7. G.S. 116-37 reads as rewritten:

6 **"§ 116-37. University of North Carolina Hospitals at Chapel Hill.**

7 (a) Composition. ~~—The Board of Governors of the University of North Carolina is~~
8 ~~hereby directed to create a board of directors for the~~ The University of North Carolina
9 Hospitals at Chapel Hill is hereby created. The Hospitals shall be governed by a board of
10 directors ~~consisting of 12 members of which nine shall be appointed by the Board of~~
11 ~~Governors.~~ eight shall be appointed by the General Assembly and one by the Governor.
12 Of the eight members appointed by the General Assembly, four shall be appointed upon
13 the recommendation of the Speaker of the House of Representatives in accordance with
14 G.S. 120-122 and four shall be appointed upon the recommendation of the President Pro
15 Tempore of the Senate in accordance with G.S. 120-122. ~~Three members ex officio of~~
16 ~~said board shall be the University of North Carolina at Chapel Hill Vice-Chancellor for~~
17 ~~Health Affairs, University of North Carolina at Chapel Hill Vice-Chancellor for Business~~
18 ~~and Finance, and the Dean of the University of North Carolina at Chapel Hill Medical~~
19 ~~School, or successors to these offices under other titles with similar responsibilities. Nine~~
20 The nine appointed members shall be appointed from the business and professional
21 public-at-large, none of whom shall be Governors of the University, and, thereafter, the
22 nine appointive members shall select one of their number to serve as chairman. Members
23 of this board shall include, but not be limited to, persons with special competence in
24 business management, hospital administration, and medical practice not affiliated with
25 University faculty. The Governors may remove any member for cause. ~~—Board members,~~
26 ~~other than ex officio members, shall each receive such per diem and necessary travel and~~
27 ~~subsistence expenses while engaged in the discharge of their official duties as is provided~~
28 ~~by law for members of State boards and commissions generally.~~

29 (a1) Appointment to Board. ~~—Each of the nine persons who, as of June 30, 1989, is~~
30 ~~servng as an appointed member of the Board shall be reassigned by the Governors, each~~
31 ~~to a different term, ending June 30, 1989, June 30, 1990, June 30, 1991, June 30, 1992,~~
32 ~~June 30, 1993, June 30, 1994, June 30, 1995, June 30, 1996, or June 30, 1997. After July~~
33 ~~1, 1989, the term of office for new appointments shall commence on July 1, and all~~
34 ~~members shall serve for four-year terms; provided, however, that no Members shall be~~
35 ~~appointed for terms commencing July 1, 1996. Of the initial four appointees of the~~
36 General Assembly that are made upon the recommendation of the Speaker of the House
37 of Representatives, two shall serve terms ending June 30, 1998, and two shall serve terms
38 ending June 30, 2000. Of the initial four appointees of the General Assembly that are
39 made upon the recommendation of the President Pro Tempore of the Senate, two shall
40 serve terms ending June 30, 1998, and two shall serve terms ending June 30, 2000. The
41 initial appointee of the Governor shall serve a term ending June 30, 1999. Thereafter,
42 their successors shall serve four-year terms. No person may be appointed to (i) more than
43 three full four-year terms in succession, or (ii) a four-year term if preceded immediately

1 by 12 years of service. Resignation from a term of office shall not constitute a break in
2 service for the purpose of this subsection. Board member vacancies shall be filled by the
3 ~~Governors~~appointing authority for the remainder of the unexpired term.

4 (a2) Administrative Location. – Effective October 1, 1996, the University of North
5 Carolina Hospitals at Chapel Hill is administratively assigned to the University of North
6 Carolina at Chapel Hill. The board of directors shall exercise all powers prescribed in
7 this section, subject to the review and approval of the University of North Carolina at
8 Chapel Hill.

9 (b) Meetings and Powers of Board. – The board of directors shall meet at least
10 every 60 days and may hold special meetings at any time and place within the State at the
11 call of its chairman. The board of directors shall make rules, regulations, and policies
12 governing the management and operation of the University of North Carolina Hospitals at
13 Chapel Hill, consistent with basic State statutes and procedures, to meet the goals of
14 education, research, patient care, and community service. The board's action on matters
15 within its jurisdiction is final, except that appeals may be made, in writing, to the ~~Board of~~
16 ~~Governors~~board of trustees of the University of North Carolina at Chapel Hill with a copy
17 of the appeal to the University of North Carolina at Chapel Hill administration. The board
18 of directors shall elect and may remove the executive director of the University of North
19 Carolina Hospitals at Chapel Hill. The board of directors may enter into formal
20 agreements with the University of North Carolina at Chapel Hill, Division of Health
21 Affairs, with respect to the provision of clinical experience for students and may also
22 enter into formal agreements with the University of North Carolina at Chapel Hill for the
23 provision of maintenance and supporting services.

24 (c) Executive Director. – The chief administrative officer of the University of
25 North Carolina Hospitals at Chapel Hill shall be the executive director, who shall be
26 appointed by the board of directors to serve at its pleasure. The executive director shall
27 administer the affairs of the University of North Carolina Hospitals at Chapel Hill subject
28 to the duly adopted policies, rules, and regulations of the board of directors, including the
29 appointment, promotion, demotion, and discharge of all personnel. The executive director
30 shall report to the board of directors quarterly or more often as required. The executive
31 director will serve as secretary to the board of directors.

32 (d) Personnel. – The University of North Carolina Hospitals at Chapel Hill shall
33 maintain a personnel office for personnel administration. Notwithstanding the provisions
34 of Chapter 126 of the General Statutes to the contrary, the Board of Directors of the
35 University of North Carolina Hospitals at Chapel Hill shall establish policies and rules
36 governing the study and implementation of competitive position classification and
37 compensation plans for registered and licensed practical nurse positions that have been
38 approved by the Board of Directors. These plans shall provide for minimum, maximum,
39 and intermediate rates of pay, and may include provisions for range revisions and shift
40 premium pay and for salary adjustments to address internal inequities, job performance,
41 and market conditions. The Office of State Personnel shall review the classification and
42 compensation plans on an annual basis. All changes in compensation plans for these

1 registered and licensed practical nurse positions shall be submitted to the Office of State
2 Personnel upon implementation.

3 (e) Finances. – The University of North Carolina Hospitals at Chapel Hill shall be
4 subject to the provisions of the Executive Budget Act. There shall be maintained a
5 business and budget office to administer the budget and financial affairs of the University
6 of North Carolina Hospitals at Chapel Hill. The executive director, subject to the board of
7 directors, shall be responsible for all aspects of budget preparation, budget execution, and
8 expenditure reporting. Subject to the approval of the Director of the Budget: All
9 operating funds of the University of North Carolina Hospitals at Chapel Hill may be
10 budgeted and disbursed through a special fund code, all receipts of the University of
11 North Carolina Hospitals at Chapel Hill may be deposited directly to the special fund
12 code; and general fund appropriations for support of the University of North Carolina
13 Hospitals at Chapel Hill may be budgeted in a general fund code under a single purpose,
14 'Contribution to University of North Carolina Hospitals at Chapel Hill Operations' and be
15 transferable to the special fund operating code as receipts. Prior to taking any action
16 under this subsection, the Director of the Budget may consult with the Advisory Budget
17 Commission.

18 (e1) Finances – Patient/Hospital Benefit. – The Executive Director of the
19 University of North Carolina Hospitals at Chapel Hill or the Director's designee, may
20 expend operating budget funds, including State funds, of the University of North Carolina
21 Hospitals at Chapel Hill for the direct benefit of a patient, when, in the judgment of the
22 Executive Director or the Director's designee, the expenditure of these funds would result
23 in a financial benefit to the University of North Carolina Hospitals at Chapel Hill. Any
24 such expenditures are declared to result in the provision of medical services and create
25 charges of the University of North Carolina Hospitals at Chapel Hill for which the
26 hospitals may bill and pursue recovery in the same way as allowed by law for recovery of
27 other hospitals' charges for services that are unpaid.

28 These expenditures shall be limited to no more than seven thousand five hundred
29 dollars (\$7,500) per patient per admission and shall be restricted (i) to situations in which
30 a patient is financially unable to afford ambulance or other transportation for discharge;
31 (ii) to afford placement in an after-care facility pending approval of third party
32 entitlement benefits; (iii) to assure availability of a bed in an after-care facility after
33 discharge from the hospitals; (iv) to secure equipment or other medically appropriate
34 services after discharge; (v) or to pay health insurance premiums. The Executive Director
35 or the Director's designee shall reevaluate at least once a month the cost-effectiveness of
36 any continuing payment on behalf of a patient.

37 To the extent that the University of North Carolina Hospitals at Chapel Hill advance
38 anticipated government entitlement benefits for a patient's benefit, for which the patient
39 later receives a lump sum 'backpay' award from an agency of the State, whether for the
40 current admission or subsequent admission, the State agency shall withhold from this
41 backpay an amount equal to the sum advanced on the patient's behalf by the University of
42 North Carolina Hospitals at Chapel Hill, if, prior to the disbursement of the backpay, the

1 applicable State program has received notice from the University of North Carolina
2 Hospitals at Chapel Hill of the advancement.

3 (f) Purchases. – The University of North Carolina Hospitals at Chapel Hill shall
4 be subject to all provisions of Articles 3 and 3A of Chapter 143 of the General Statutes
5 relating to the Department of Administration, Purchase and Contract Division. There
6 shall be maintained a purchasing office to handle all purchasing requirements of the
7 University of North Carolina Hospitals at Chapel Hill. The Purchase and Contract
8 Division may enter into such arrangements with the board of directors as the Division
9 may deem necessary in consideration of the special requirements of the University of
10 North Carolina Hospitals at Chapel Hill for procurement of certain supplies, materials,
11 equipments and services.

12 (g) Property. – The board of directors shall be responsible to the University ~~Board~~
13 ~~of Governors of North Carolina at Chapel Hill~~ for the maintenance, operation, and control
14 of the University of North Carolina Hospitals at Chapel Hill and grounds.

15 (h) Patient Information. – The University of North Carolina Hospitals at Chapel
16 Hill shall, at the earliest possible opportunity, specifically make a verbal and written
17 request to each patient to disclose the patient's Social Security number, if any. If the
18 patient does not disclose that number, the University of North Carolina Hospitals at
19 Chapel Hill shall deny benefits, rights and privileges of the University of North Carolina
20 Hospitals at Chapel Hill to the patient as soon as practical, to the maximum extent
21 permitted by federal law or federal regulations. The University of North Carolina
22 Hospitals at Chapel Hill shall make the disclosure to the patient required by Section 7(b)
23 of P.L. 93-579. This subsection is supplementary to G.S. 105A-3(c)."
24

25 PART III. EFFECTIVE DATES AND OTHER CHANGES

26
27 Sec. 3.1. G.S. 120-19.4A reads as rewritten:

28 "**§ 120-19.4A. Requests to State Bureau of Investigation for background**
29 **investigation of a person who must be confirmed by legislative action.**

30 The President Pro Tempore of the Senate or the Speaker of the House may request
31 that the State Bureau of Investigation perform a background investigation on a person
32 who must be appointed or confirmed by the General Assembly, the Senate, or the House
33 of Representatives. The person being investigated shall be given written notice by
34 regular mail at least 10 days prior to the date that the State Bureau of Investigation is
35 requested to perform the background investigation by the ~~presiding~~ officer of the body
36 from which the request originated. There is a rebuttable presumption that the person
37 being investigated received the notice if the presiding officer has a copy of the notice.
38 The State Bureau of Investigation shall perform the requested background investigation
39 and shall provide the information, including criminal records, to the ~~presiding~~ officer of
40 the body from which the request originated. A copy of the information also shall be
41 provided to the person being investigated. The term 'background investigation' shall be
42 limited to an investigation of a person's criminal record, educational background,
43 employment record, records concerning the listing and payment of taxes, and credit

1 record, and to a requirement that the person provide the information contained in the
2 statements of economic interest required to be filed by persons subject to Executive
3 Order Number 1, filed on January 31, 1985, as contained on pages 1405 through 1419 of
4 the 1985 Session Laws (First Session, 1985)."

5 Sec. 3.2. Part I of this act shall become effective only if the constitutional
6 amendments proposed in Chapter 5 of the 1995 Session Laws, AN ACT TO PROVIDE
7 FOR A REFERENDUM TO AMEND THE CONSTITUTION TO PROVIDE FOR A
8 GUBERNATORIAL VETO, are approved by the qualified voters of this State in the
9 referendum held pursuant to Chapter 5 of the 1995 Session Laws. If those constitutional
10 amendments are approved, then this act shall become effective upon the certification by
11 the State Board of Elections to the Secretary of State that those amendments have been
12 approved and shall apply to terms of office and vacancies occurring on or after that
13 certification. The remainder of this act is effective upon ratification, and applies, except
14 as provided in Sections 2.6 and 2.7, to terms of office and vacancies occurring on or after
15 that date.