

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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**SENATE BILL 1385**

Rules and Operations of the Senate Committee Substitute Adopted 7/6/00

Short Title: Pro Tem Appointments.

(Public)

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Sponsors:

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Referred to:

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May 23, 2000

**A BILL TO BE ENTITLED**

**AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE  
RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE  
AND TO MAKE CHANGES IN THE LAW RELATING TO APPOINTMENTS TO  
PUBLIC OFFICE.**

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate; and Whereas, the President Pro Tempore of the Senate has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

**PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS**

Section 1.1. Julia Bryan Jones Daniels of Wake County and Linda Godwin Murphy of Duplin County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2001.

Section 1.2. Tracy Lindsay of Buncombe County is appointed to the North Carolina Arboretum Board of Directors for a term expiring on June 30, 2004.

1 Section 1.3. Florence Moses of Wake County and Rick Proctor of Guilford  
2 County are appointed to the North Carolina Board of Athletic Trainer Examiners for  
3 terms expiring on July 31, 2003.

4 Section 1.4. William D. McInnis of Union County and Dr. Joseph Estwanik of  
5 Mecklenburg County are appointed to the North Carolina State Boxing Commission for  
6 terms expiring on December 31, 2002.

7 Section 1.5. Frances P. Walker of Currituck County is appointed to the North  
8 Carolina Bridge Authority for a term expiring on June 30, 2003.

9 Section 1.6. Charles E. Truelove of Wake County is appointed to the State  
10 Building Commission for a term expiring on June 30, 2003.

11 Section 1.7. Diana Jones Wilson of Chowan County is appointed to the Child  
12 Care Commission for a term expiring on June 30, 2002.

13 Section 1.8. William Joseph Brooks, III of Haywood County and Dickson  
14 McLean, Jr. of Robeson County are appointed to the Clean Water Management Trust  
15 Fund Board of Trustees for terms expiring on December 31, 2004.

16 Section 1.9. Deborah Simpson of Cumberland County is appointed to the  
17 North Carolina Code Officials Qualification Board for a term expiring on June 30, 2004.

18 Section 1.10. Ann Ake of Wake County is appointed to the North Carolina  
19 Board of Dietetics/Nutrition for a term expiring on June 30, 2003.

20 Section 1.11. Joseph L. Ray of Columbus County is appointed to the Dispute  
21 Resolution Commission for a term expiring on September 30, 2002.

22 Section 1.12. Ashly Maag of Buncombe County is appointed to the North  
23 Carolina Educational Facilities Finance Agency for a term expiring on March 1, 2004.

24 Section 1.13. M. Durwood Stephenson of Johnston County is appointed to the  
25 North Carolina Global TransPark Authority for a term expiring on June 30, 2003, to fill  
26 unexpired term of Jeanette Hyde.

27 Section 1.14. Joe A. Connolly of Buncombe County and Dean Gurley of  
28 Wayne County are appointed to the State Health Plan Purchasing Alliance Board for  
29 terms expiring on July 1, 2003.

30 Section 1.15. Gerald Holleman of Wake County, Ed Moran of Craven County,  
31 Jeanne C. Tedrow of Wake County, and Jeffrey D. Null of Cumberland County are  
32 appointed to the North Carolina Housing Partnership for terms expiring on August 31,  
33 2002.

34 Section 1.16. Paul Brooks of Robeson County is appointed to the North  
35 Carolina State Commission of Indian Affairs for a term expiring on June 30, 2001.

36 Section 1.17. Randy Gregory of Cumberland County is appointed to the State  
37 Judicial Council for a term expiring on December 31, 2004.

38 Section 1.18. Candace C. Frye of Pitt County and Maria Narf Spuller of  
39 Forsyth County are appointed to the North Carolina Board of Massage and Bodywork  
40 Therapy for terms expiring on June 30, 2003.

41 Section 1.19. Jim Sponenburg, III of Caldwell County is appointed to the  
42 Natural Heritage Trust Fund Board of Trustees for a term expiring on December 31,  
43 2005.

1 Section 1.20. Donna Whitley of Pitt County and Marti D. Koch of Buncombe  
2 County are appointed to the North Carolina Center for Nursing for terms expiring on June  
3 30, 2003.

4 Section 1.21. Leslie Anderson of Buncombe County and Harriet L. Farrior of  
5 Duplin County are appointed to the North Carolina Parks and Recreation Authority for  
6 terms expiring on June 30, 2002.

7 Section 1.22. Douglas A. Fox of New Hanover County is appointed to the  
8 North Carolina State Ports Authority for a term expiring on June 30, 2002.

9 Section 1.23. Sue Anderson of Tyrrell County is appointed to the North  
10 Carolina Principal Fellows Commission for a term expiring on June 30, 2003.

11 Section 1.24. William A. Allen of Pasquotank County is appointed to the  
12 Private Protective Services Board for a term expiring on June 30, 2002. Thomas J.  
13 Burgin, Jr. of Lincoln County, Keith S. Shannon of Mecklenburg County, and Julius R.  
14 Cauble of Henderson County are appointed to the Private Protective Services Board for a  
15 term expiring on June 30, 2003.

16 Section 1.25. Roger Perry of Orange County is appointed to the North  
17 Carolina Progress Board for a term expiring on June 30, 2004.

18 Section 1.26. Bebe Woody, Ray Evans, and Tod Clissold of Dare County are  
19 appointed to the Roanoke Island Commission for terms expiring on June 30, 2001.  
20 Bobby Owens, Jo Ann Williams, and Bill Kealy of Dare County are appointed to the  
21 Roanoke Island Commission for terms expiring on June 30, 2002.

22 Section 1.27. Randolph Palmer Sugg of Wake County is appointed to the  
23 Rules Review Commission for a term expiring on June 30, 2002.

24 Section 1.28. Richard L. Frye of Alamance County is appointed to the North  
25 Carolina Sheriffs' Education and Training Standards Commission for a term expiring on  
26 June 30, 2003.

27 Section 1.29. Melanie Ross Chumley of Mecklenburg County is appointed to  
28 the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2004.

29 Section 1.30. Mayor James H. Mobley, Jr. of Beaufort County is appointed to  
30 the North Carolina State Board of Therapeutic Recreation Certification for a term  
31 expiring on June 30, 2003.

32 Section 1.31. Gregory E. Bright of Wake County is appointed to the Well  
33 Contractors Certification Commission for a term expiring on June 30, 2003.

34 Section 1.32. Neil Franklin Allen of Randolph County is appointed to the  
35 Wireless 911 Board for a term expiring on June 30, 2002, to fill the unexpired term of  
36 Richard Taylor. Toby Turner of Wake County is appointed to the Wireless 911 Board for  
37 a term expiring on June 30, 2002, to fill the unexpired term of Doug Matheson.

## 38 39 PART II. STATUTORY AND SESSION LAW CHANGES

40  
41 Section 2.1. Section 1 of S.L. 1997-40 reads as rewritten:

42 "Section 1. The Study Commission on the Future of Electric Service in North  
43 Carolina is created. The Commission shall consist of ~~23~~24 voting members as follows:

- 1 (1) Six members of the Senate to be appointed by the President Pro  
2 Tempore of the Senate;
- 3 (2) Six members of the House of Representatives to be appointed by the  
4 Speaker of the House of Representatives;
- 5 (3) The Chief Executive Officer of the North Carolina Electric Membership  
6 Corporation or the Chief Executive Officer's designee;
- 7 (4) The Chief Executive Officer of ElectriCities of North Carolina or the  
8 Chief Executive Officer's designee;
- 9 (5) The Chief Executive Officer of Duke Power Company or the Chief  
10 Executive Officer's designee;
- 11 (6) The Chief Executive Officer of Carolina Power and Light Company or  
12 the Chief Executive Officer's designee;
- 13 (6a) The Chief Executive Officer of North Carolina Power Company or the  
14 Chief Executive Officer's designee;
- 15 (7) Two residential consumers of electricity, one to be appointed by the  
16 President Pro Tempore of the Senate and one to be appointed by the  
17 Speaker of the House of Representatives;
- 18 (8) One commercial consumer of electricity to be appointed by the  
19 President Pro Tempore of the Senate;
- 20 (9) Two industrial consumers of electricity, one to be appointed by the  
21 Speaker of the House of Representatives and one to be appointed by the  
22 President Pro Tempore of the Senate;
- 23 (10) One member of the environmental community to be appointed by the  
24 Governor; and
- 25 (11) One person representing a nationwide electric power marketer to be  
26 appointed by the Speaker of the House of Representatives.

27 The President Pro Tempore of the Senate and the Speaker of the House of  
28 Representatives shall each designate a cochair from the General Assembly membership  
29 serving on the Commission. The Commission shall meet upon the call of the cochairs. A  
30 majority of the Commission shall constitute a quorum for the transaction of business."

31 Section 2.2. Section 3.2 of S.L. 1999-395 reads as rewritten:

32 "Section 3.2. Membership. – The Commission shall consist of ~~15~~17 members who  
33 shall represent, insofar as practicable, the diverse interests and geographic regions of the  
34 State and shall include individuals with expertise in tax policy, tax administration, and  
35 professional tax practice.

36 The Speaker of the House of Representatives shall appoint ~~five~~six members, as  
37 follows: ~~two~~three members of the General Assembly, one individual nominated by the  
38 North Carolina League of Municipalities, one individual who represents business  
39 taxpayers, and one public member.

40 The President Pro Tempore of the Senate shall appoint ~~five~~six members, as follows:  
41 ~~two~~three members of the General Assembly, one individual nominated by the North  
42 Carolina Association of County Commissioners, one individual who represents  
43 nonbusiness taxpayers, and one public member.

1 The Governor shall appoint five members, as follows: one individual who represents  
2 tax practitioners, one individual who represents nonprofit, charitable organizations, one  
3 individual who has demonstrated leadership and expertise in tax policy, one individual  
4 who represents senior citizens and one individual who represents small business  
5 taxpayers.

6 Appointments to the Commission shall be made no later than August 31, ~~1999~~-2000.  
7 Vacancies shall be filled by the original appointing authority."

8 Section 2.3. G.S. 74C-4(b) reads as rewritten:

9 "(b) The Board shall consist of ~~10~~-14 members: the Attorney General or his  
10 designated representative, two persons appointed by the Attorney General, one person  
11 appointed by the Governor, ~~three~~-five persons appointed by the General Assembly upon  
12 the recommendation of the President Pro Tempore of the Senate, and ~~three~~-five persons  
13 appointed by the General Assembly upon the recommendation of the Speaker of the  
14 House of Representatives. All appointments by the General Assembly shall be subject to  
15 the provisions of G.S. 120-121, and vacancies in the positions filled by those  
16 appointments shall be filled pursuant to G.S. 120-122. One of those persons appointed by  
17 the General Assembly upon the recommendation of the President Pro Tempore of the  
18 Senate and all ~~three~~-five persons appointed by the General Assembly upon the  
19 recommendation of the Speaker of the House of Representatives shall be licensees under  
20 this Chapter; all other appointees may not be licensees of the Board nor licensed by the  
21 Board while serving as Board members. All persons appointed shall serve terms of three  
22 years. With the exception of the Attorney General or his designated representative, no  
23 person shall serve more than eight consecutive years on the Board, including years of  
24 service prior and subsequent to July 1, 1983. Board members may continue to serve until  
25 their successors have been appointed."

26 Section 2.4. G.S. 143B-131.6(i) reads as rewritten:

27 "(i) The Commission shall make its recommendations by ~~September~~-March 15 of  
28 each year that terms expire for appointments for terms commencing ~~November~~-July 1 of  
29 that year; provided the initial appointments for terms commencing October 1, 1994, shall  
30 be made upon recommendation of the Roanoke Island Historical Association."

31 Section 2.5. G.S. 160A-480.3(b) reads as rewritten:

32 "(b) Membership. – An authority shall have eight or ~~7~~-19 members. Members shall  
33 be chosen for terms as follows:

34 (1) Four shall be appointed by the General Assembly upon the  
35 recommendation of the Speaker of the House of Representatives in  
36 accordance with G.S. 120-121, at least one of whom shall be a resident  
37 of the territorial jurisdiction of the authority, and at least one other of  
38 whom shall have been recommended by the board of trustees of the  
39 constituent institution of The University of North Carolina whose main  
40 campus is located within the county;

41 (2) Four shall be appointed by the General Assembly upon the  
42 recommendation of the President Pro Tempore of the Senate in  
43 accordance with G.S. 120-121, at least one of whom shall be a resident

1 of the territorial jurisdiction of the authority, and at least one other of  
2 whom shall have been recommended by the Board of Trustees of the  
3 constituent institution of The University of North Carolina whose main  
4 campus is located within the county; and

5 (3) If the territorial jurisdiction of the authority is a county where the main  
6 campus of a constituent institution of The University of North Carolina  
7 is located, then:

8 a. Four members shall be appointed by the board of commissioners  
9 of that county, one of whom at the time of appointment is a  
10 resident of the municipality with the second largest population in  
11 the county, according to the most recent decennial federal  
12 census;

13 b. Four members shall be appointed by the city council of the city  
14 with the largest population in the county, according to the most  
15 recent decennial federal census;

16 c. ~~One member~~ Two members shall be appointed jointly by the  
17 mayors of all the cities in that county.

18 d. The Chancellor of the main campus of a constituent institution of  
19 The University of North Carolina within the county, or the  
20 Chancellor's designee.

21 Beginning January 1, 1999, a majority of any executive committee, or other  
22 committee however termed having supervisory or management authority over the facility  
23 to be constructed by the authority, shall consist of authority members appointed under  
24 this subdivision.

25 Neither the board of commissioners nor the city council may appoint a member of its  
26 board to serve on the authority.

27 Two of the initial appointments under subdivision (1) of this subsection, two of  
28 the initial appointments under subdivision (2) of this subsection, one of the initial  
29 appointments under subdivision (3)a. of this subsection, and one of the initial  
30 appointments under subdivision (3)b. of this section shall be for terms expiring July 1 of  
31 the second year after the year in which the authority is created. The remaining initial  
32 appointments shall be for terms expiring July 1 of the fourth year after the year in which  
33 the authority is created. The third member appointed by the board of commissioners shall  
34 serve a term beginning January 1, 1999, and expiring July 1, 2001, and the fourth  
35 member appointed by the board of commissioners shall serve a term beginning January 1,  
36 1999, and expiring July 1, 2003. The third member appointed by the city council shall  
37 serve a term beginning January 1, 1999, and expiring July 1, 2001, and the fourth  
38 member appointed by the city council shall serve a term beginning January 1, 1999, and  
39 expiring July 1, 2003. Of the two appointments made by the General Assembly in 1999  
40 and quadrennially thereafter upon the recommendation of the Speaker of the House of  
41 Representatives, one shall be the person recommended by the board of trustees of the  
42 constituent institution of The University of North Carolina whose main campus is located  
43 within the county. Of the two appointments made by the General Assembly in 1999 and

1 quadrennially thereafter upon the recommendation of the President Pro Tempore of the  
2 Senate, one shall be the person recommended by the board of trustees of the constituent  
3 institution of The University of North Carolina whose main campus is located within the  
4 county. The second member appointed under subdivision (3)c. of this section shall serve  
5 an initial term expiring July 1, 2003. Successors shall be appointed in the same manner  
6 for four-year terms. A member may be removed by the appointing authority for cause.  
7 Vacancies occurring in the membership of the authority shall be filled by the remaining  
8 members."

9

10 PART III. EFFECTIVE DATE

11

12 Section 3.1. Unless otherwise specified, all appointments made by this act are  
13 for terms to begin July 1, 2000.

14 Section 3.2. This act is effective when it becomes law.