

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

SENATE BILL 1385  
RATIFIED BILL

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, 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; and

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1.27. Robert Walter Saunders of Wake County is appointed to the Rules Review Commission for a term expiring on June 30, 2002.

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

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

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

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

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

Section 1.33. Beth Rector is appointed to the Child Care Commission for a term expiring on June 30, 2002.

#### PART IA. SPEAKER'S RECOMMENDATIONS

Section 1A.1. R. Bradley Smith, Jr. of Mecklenburg County is appointed to the Alarm Systems Licensing Board for a term to expire on June 30, 2003.

Section 1A.2. Kaye A. Myers of Buncombe County is appointed to the North Carolina Arboretum Board of Directors for a term expiring on June 30, 2004.

Section 1A.3. Dr. Thomas J. Newton of Sampson County is appointed to the North Carolina Board of Athletic Trainer Examiners for a term expiring on June 30, 2002.

Section 1A.4. Dr. Galen Grayson of Mecklenburg County is appointed to the North Carolina State Boxing Commission for a term expiring on December 31, 2002.

Section 1A.5. John Feezor of Union County is appointed to the State Building Commission for a term expiring on June 30, 2003.

Section 1A.6. Debi Mull Harrill of Cleveland County and Laura Pennington of Jackson County are appointed to the Child Care Commission for terms expiring on June 30, 2002.

Section 1A.7. Sam Vaughan, III of Durham County is appointed to the North Carolina Code Officials Qualification Board for a term expiring on June 30, 2004.

Section 1A.8. Ree Lomax of Wake County is appointed to the State Board of Cosmetic Art Examiners for a term expiring on June 30, 2003.

Section 1A.9. Richard Davis of Forsyth County is appointed to the Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring on June 30, 2003.

Section 1A.10. Lillie Brown of Guilford County, Brian Coyle of Wake County, Scott Dedmond of Buncombe County, Constance Stancil of Durham County, and E. G. Fowler of Watauga County are appointed to the North Carolina Housing Partnership for terms expiring June 30, 2003.

Section 1A.11. Linda Livingston of Guilford County and Danny Chandler of Wake County are appointed to the North Carolina Manufactured Housing Board for terms expiring on June 30, 2003.

Section 1A.12. Rick Rosen of Chatham County is appointed to the North Carolina Board of Massage and Bodywork Therapy for a term expiring on June 30, 2003.

Section 1A.13. Alan Briggs of Wake County is appointed to the Natural Heritage Trust Fund Board of Trustees for a term expiring on December 31, 2005.

Section 1A.14. Sherry Thomas of Wake County is appointed to the North Carolina Center for Nursing Board of Directors for a term expiring on June 30, 2003.

Section 1A.15. Roy Alexander of Mecklenburg County and Mary Rhoe of Wayne County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June 30, 2002.

Section 1A.16. Calvin Wellons of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2002.

Section 1A.17. Tim McIntyre of Davie County, Carlton Miles of Mecklenburg County, and Grady W. Conner of Catawba County are appointed to the Private Protective Services Board for terms expiring on June 30, 2003.

Section 1A.18. Joe Bryan of Guilford County, William Massey of Mecklenburg County, and Louisa Dollard of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2002.

Section 1A.19. Paul Powell of Wake County is appointed to the Rules Review Commission for a term expiring on June 30, 2002.

Section 1A.20. Dr. Geraldine Miller of Watauga County is appointed to the North Carolina Substance Abuse Professional Certification Board for a term expiring on June 30, 2003.

Section 1A.21. William W. Hill, Jr., of Nash County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2002.

Section 1A.22. Katherine Hazelton of Guilford County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2004.

Section 1A.23. Peggy Pruett of Forsyth County is appointed to the North Carolina State Board of Therapeutic Recreation Certification for a term expiring on June 30, 2003.

Section 1A.24. Jeff Dillard of Halifax County is appointed to the Well Contractors Certification Commission for a term expiring on June 30, 2003.

## PART II. STATUTORY AND SESSION LAW CHANGES

### –STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA

Section 2.1. Section 1 of S.L. 1997-40, as amended by S.L. 1999-122, reads as rewritten:

"Section 1. The Study Commission on the Future of Electric Service in North Carolina is created. The Commission shall consist of ~~29~~30 voting members as follows:

- (1) Nine members of the Senate to be appointed by the President Pro Tempore of the Senate;
- (2) Nine members of the House of Representatives to be appointed by the Speaker of the House of Representatives;
- (3) The Chief Executive Officer of the North Carolina Electric Membership Corporation or the Chief Executive Officer's designee;
- (4) The Chief Executive Officer of Electricities of North Carolina or the Chief Executive Officer's designee;
- (5) The Chief Executive Officer of Duke Power Company or the Chief Executive Officer's designee;
- (6) The Chief Executive Officer of Carolina Power and Light Company or the Chief Executive Officer's designee;
- (6a) The Chief Executive Officer of North Carolina Power Company or the Chief Executive Officer's designee;
- (7) Two residential consumers of electricity, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Speaker of the House of Representatives;
- (8) One commercial consumer of electricity to be appointed by the President Pro Tempore of the Senate;
- (9) Two industrial consumers of electricity, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the President Pro Tempore of the Senate;
- (10) One member of the environmental community to be appointed by the Governor; and
- (11) One person representing a nationwide electric power marketer to be appointed by the Speaker of the House of Representatives.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair from the General Assembly membership

serving on the Commission. The Commission shall meet upon the call of the cochairs. A majority of the Commission shall constitute a quorum for the transaction of business."

–NORTH CAROLINA TAX POLICY COMMISSION

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

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

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

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

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

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

–PRIVATE PROTECTIVE SERVICES BOARD

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

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

–ROANOKE ISLAND COMMISSION

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

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

–CENTENNIAL AUTHORITY

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

"(b) Membership. – An authority shall have eight or ~~17~~19 members. Members shall be chosen for terms as follows:

- (1) Four shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, at least one of whom shall be a resident of the territorial jurisdiction of the authority, and at least one other of whom shall have been recommended by the board of trustees of the constituent institution of The University of North Carolina whose main campus is located within the county;
- (2) Four shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, at least one of whom shall be a resident of the territorial jurisdiction of the authority, and at least one other of whom shall have been recommended by the Board of Trustees of the constituent institution of The University of North Carolina whose main campus is located within the county; and
- (3) If the territorial jurisdiction of the authority is a county where the main campus of a constituent institution of The University of North Carolina is located, then:
  - a. Four members shall be appointed by the board of commissioners of that county, one of whom at the time of appointment is a resident of the municipality with the second largest population in the county, according to the most recent decennial federal census;
  - b. Four members shall be appointed by the city council of the city with the largest population in the county, according to the most recent decennial federal census;
  - c. ~~One member~~ Two members shall be appointed jointly by the mayors of all the cities in that county.
  - d. The Chancellor of the main campus of a constituent institution of The University of North Carolina within the county, or the Chancellor's designee.

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

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

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

1999 and quadrennially thereafter upon the recommendation of the President Pro Tempore of the Senate, one shall be the person recommended by the board of trustees of the constituent institution of The University of North Carolina whose main campus is located within the county. The second member appointed under sub-subdivision (3)c. of this section shall serve an initial term expiring July 1, 2003. Successors shall be appointed in the same manner for four-year terms. A member may be removed by the appointing authority for cause. Vacancies occurring in the membership of the authority shall be filled by the remaining members."

–NORTH CAROLINA REAL ESTATE COMMISSION

Section 2.6.(a) Section 6 of S.L. 1999-405 reads as rewritten:

"Section 6. Upon the recommendation of the Speaker of the House of Representatives, William Lackey of Mecklenburg County is appointed to the North Carolina Real Estate Commission for a term expiring ~~June 30, 2002~~ July 31, 2002."

Section 2.6.(b) Subsection 3.4(b) of S.L. 1999-431 reads as rewritten:

"Section 3.4.(b) Appointments of the initial members authorized by this section are for terms expiring ~~June 30, 2002~~ July 31, 2002."

Section 2.6.(c) The term of Raymond A. Bass, Jr. to the North Carolina Real Estate Commission is hereby extended to July 31, 2004.

–STATE BOARD OF CHIROPRACTIC EXAMINERS

Section 2.7.(a). G.S. 90-139 reads as rewritten:

**"§ 90-139. Creation and membership of Board of Examiners.**

(a) The State Board of Chiropractic Examiners is created to consist of eight members appointed by the ~~Governor, Governor~~ and General Assembly. ~~Seven-Six~~ of the members shall be practicing doctors of chiropractic, who are residents of this State and who have actively practiced chiropractic in the State for at least eight consecutive years immediately preceding their appointments; ~~five-four~~ of these ~~seven-six~~ members shall be appointed by the Governor, and two by the General Assembly in accordance with G.S. 120-121, one each upon the recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. No more than three members of the Board may be graduates of the same college or school of chiropractic. The other ~~member-two members~~ shall be ~~a person-persons~~ chosen by the Governor to represent the public at large. The public ~~member-members~~ shall not be ~~a health care provider-providers~~ nor the ~~spouse-spouses~~ of a health care ~~provider-providers~~. For purposes of Board membership, "health care provider" means any licensed health care professional and any agent or employee of any health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program to prepare him to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public member."

Section 2.7.(b). This section is effective when it becomes law and shall apply to the next appointment by the Governor to replace a member who is a practicing doctor of chiropractic.

PART III. EFFECTIVE DATE

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

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

In the General Assembly read three times and ratified this the 13th day of July, 2000.

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Marc Basnight  
President Pro Tempore of the Senate

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James B. Black  
Speaker of the House of Representatives

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James B. Hunt, Jr.  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_ , 2000