

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1325

Short Title: Confirmation/Appointments.

(Public)

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Sponsors: Senator Hoyle.

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Referred to: Rules and Operation of the Senate.

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May 27, 1996

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR LEGISLATIVE CONFIRMATION OF CERTAIN EXECUTIVE APPOINTMENTS AND TO CHANGE THE COMPOSITION, APPOINTMENTS, AND TERMS OF VARIOUS BOARDS, COMMISSIONS, AND AUTHORITIES WITHIN STATE GOVERNMENT.

The General Assembly of North Carolina enacts:

**PART I. CONFIRMATION**

–LEGISLATIVE CONFIRMATION PROCEDURE

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 G.S. 147-12(3c), 147-12(3d), and 147-16.3 are repealed.

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

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

(a) Confirmation. – A person nominated by the Governor to an office requiring confirmation by the General Assembly may take office only after having been confirmed by the General Assembly in accordance with this section, except as otherwise provided in 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. If the General Assembly fails to take action on a confirmation resolution within the  
21 prescribed time, the appointee is deemed confirmed, except that an appointee whose  
22 name is submitted during the last 15 legislative days of the session is not deemed  
23 confirmed and may serve as an unconfirmed appointee no later than the forty-fifth day of  
24 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 of the  
35 next legislative session following appointment unless the General Assembly takes action  
36 and fails to confirm before that date.

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

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

42       **(h) State Board of Education.** – This section does not apply to appointments to the  
43 State Board of Education."

1  
2 –CABINET OFFICERS CONFIRMATION

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

4 **"§ 143B-9. Appointment of officers and employees.**

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

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

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

20  
21 –ABC COMMISSION MEMBERS AND CHAIRMAN CONFIRMATION

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

23 **"§ 18B-200. North Carolina Alcoholic Beverage Control Commission.**

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

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

33 (c) Vacancy. – The Governor shall fill any vacancy on the Commission by  
34 appointing a ~~successor~~ successor, subject to confirmation by the General Assembly as  
35 provided by G.S. 147-12(3e), to serve at the Governor's pleasure. If the chairman's seat  
36 becomes vacant, the Governor may designate either the new member or an existing  
37 member of the Commission as the ~~chairman.~~ chairman, subject to confirmation by the  
38 General Assembly as provided by G.S. 147-16.4.

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

1  
2 –INDUSTRIAL COMMISSION MEMBERS AND CHAIRMAN CONFIRMATION

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

4 **"§ 97-77. North Carolina Industrial Commission created; members appointed by**  
5 **Governor; terms of office; chairman.**6 (a) There is hereby created a commission to be known as the North Carolina  
7 Industrial Commission, consisting of seven commissioners who shall devote their entire  
8 time to the duties of the Commission. The Governor shall appoint the members of the  
9 Commission, one for a term of two years, one for a term of four years, and one for a term  
10 of six years. Of the additional appointments made in 1994, one shall be for a term  
11 expiring June 30, 1996, one for a term expiring June 30, 1998, and two for terms expiring  
12 June 30, 2000. Upon the expiration of each term as above mentioned, the ~~Governor~~  
13 Governor, subject to confirmation by the General Assembly as provided by G.S. 147-  
14 16.4, shall appoint a successor for a term of six years, and thereafter the term of office of  
15 each commissioner shall be six years. Not more than three appointees shall be persons  
16 who, on account of their previous vocations, employment or affiliations, can be classed as  
17 representatives of employers, and not more than three appointees shall be persons who,  
18 on account of their previous vocations, employment or affiliations, can be classed as  
19 representatives of employees.20 (b) One member, to be designated by the Governor, subject to confirmation by the  
21 General Assembly as provided by G.S. 147-16.4, shall act as chairman. The chairman  
22 shall be the chief judicial officer and the chief executive officer of the Industrial  
23 Commission; such authority shall be exercised pursuant to the provisions of Chapter 126  
24 of the General Statutes and the rules and policies of the State Personnel Commission.  
25 Notwithstanding the provisions of this Chapter, the chairman shall have such authority as  
26 is necessary to direct and oversee the Commission. The chairman may delegate any  
27 duties and responsibilities as may be necessary to ensure the proper management of the  
28 Industrial Commission. Notwithstanding the provisions of this Chapter, Chapter 143A,  
29 and Chapter 143B of the General Statutes, the chairman may hire or fire personnel and  
30 transfer personnel within the Industrial Commission.31 The Governor may designate one vice-chairman from the remaining commissioners.  
32 The vice-chairman shall assume the powers of the chairman upon request of the chairman  
33 or when the chairman is absent for 24 hours or more. The authority delegated to the vice-  
34 chairman shall be relinquished immediately upon the return of the chairman or at the  
35 request of the chairman."  
3637 –POST-RELEASE SUPERVISION AND PAROLE COMMISSION MEMBERS AND  
38 CHAIRMAN CONFIRMATION39 Sec. 1.6. G.S. 143B-267, as amended by Section 2.4 of this act, reads as  
40 rewritten:41 **"§ 143B-267. Post-Release Supervision and Parole Commission – members;**  
42 **selection; removal; chairman; compensation; quorum; services.**

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

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

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

33 The full-time members of the Commission shall receive the salary fixed by the  
34 General Assembly in the Current Operations Appropriations Act and shall receive  
35 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-  
36 6.

37 All clerical and other services required by the Commission shall be supplied by the  
38 Secretary of Correction."  
39

40 -BOARD OF TRANSPORTATION CONFIRMATION/SERVE AT GOVERNOR'S  
41 PLEASURE

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

1       "(c) The Board of Transportation shall have 20 members appointed by the ~~Governor.~~  
2 Governor, subject to confirmation by the General Assembly as provided by G.S. 147-  
3 16.4. These members shall serve at the pleasure of the Governor. One member shall be  
4 appointed from each of the 14 transportation engineering divisions and six members shall  
5 be appointed from the State at large. One at-large member shall be a registered voter of a  
6 political party other than the political party of the Governor. At least one at-large  
7 member shall possess a broad knowledge of public transportation matters. No more than  
8 two members provided for in this subsection shall reside in the same engineering division  
9 while serving in office. ~~The initial members shall serve terms beginning July 1, 1977, and~~  
10 ~~ending January 14, 1981, or until their successors are appointed and qualified. The succeeding~~  
11 ~~terms of office shall be for a period of four years beginning January 15, 1981, and each four~~  
12 ~~years thereafter. The Governor shall have the authority to remove for cause sufficient to himself,~~  
13 ~~any member appointed by the Governor."~~

14  
15 –STATE BOARD OF ELECTIONS EXECUTIVE SECRETARY-DIRECTOR  
16 CONFIRMATION

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

18 **"§ 163-27. Executive Secretary-Director to be appointed by Board.**

19       The appointment of the Executive Secretary-Director of the State Board of Elections  
20 is extended to May 15, 1989, unless removed for proper cause, and thereafter the Board  
21 ~~shall~~shall, subject to confirmation by the General Assembly as provided by G.S. 147-  
22 16.4 as if the appointment was made by the Governor, appoint an Executive Secretary-  
23 Director for a term of four years with compensation to be determined by the Department  
24 of Personnel. He shall serve, unless removed for cause, until his successor is appointed.  
25 Such Executive Secretary-Director shall be responsible for staffing, administration,  
26 execution of the Board's decisions and orders and shall perform such other  
27 responsibilities as may be assigned by the Board. In the event of a vacancy, the vacancy  
28 shall be filled for the remainder of the term. An acting Executive Secretary-Director may  
29 be appointed by the State Board of Elections under the same procedures as the Governor  
30 may appoint an acting officer under G.S. 147-12(3) and G.S. 147-16.4."

31  
32 –ENVIRONMENTAL MANAGEMENT COMMISSION CONFIRMATION

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

35 **"§ 143B-283. Environmental Management Commission – members; selection;  
36 removal; compensation; quorum; services.**

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

- 42       (1) One who shall be a licensed physician with specialized training and  
43       experience in the health effects of environmental pollution;

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

29 (b) Members so appointed shall serve terms of office of six years. Any  
30 appointment to fill a vacancy on the Commission created by the resignation, dismissal,  
31 death or disability of a member shall be for the balance of the unexpired ~~term~~ term,  
32 subject to confirmation by the General Assembly as provided by G.S. 147-16.4. At the  
33 expiration of each member's term, the Governor shall replace the member with a new  
34 member of like ~~qualifications~~ qualifications, subject to confirmation by the General  
35 Assembly as provided by G.S. 147-16.4. The initial members of the Environmental  
36 Management Commission shall be those members of the present Board of Water and Air  
37 Resources who shall meet the above standards for membership on the Environmental  
38 Management Commission and who shall serve on the Environmental Management  
39 Commission for a period equal to the remainder of their current terms on the Board of  
40 Water and Air Resources, four of whose appointments expire June 30, 1975, five of  
41 whose appointments expire June 30, 1977, and four of whose appointments expire June  
42 30, 1979. Any initial appointment to replace a member of the present Board of Water and  
43 Air Resources who does not meet the above standards for membership on the

1 Environmental Management Commission shall be for a period equal to the replaced  
2 member's unexpired term. The initial appointment for category (9a) shall be for a four-  
3 year term commencing July 1, 1996, and expiring June 30, 2000. Successors shall be  
4 appointed for six-year terms.

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

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

10 A majority of the Commission shall constitute a quorum for the transaction of  
11 business.

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

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

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

#### 31 –HEALTH SERVICES COMMISSION CONFIRMATION

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

#### 33 "§ 130A-30. Commission for Health Services – Members; selection; quorum; 34 compensation.

35 (a) The Commission for Health Services shall consist of 13 members, four of  
36 whom shall be elected by the North Carolina Medical Society and nine of whom shall be  
37 appointed by the Governor. The members appointed by the Governor are subject to  
38 confirmation by the General Assembly as provided by G.S. 147-16.4, and the members  
39 elected by the North Carolina Medical Society are subject to confirmation by the General  
40 Assembly as provided by G.S. 147-16.4 as if those elected had been appointed by the  
41 Governor.

42 (b) One of the members appointed by the Governor shall be a licensed pharmacist,  
43 one a registered engineer experienced in sanitary engineering or a soil scientist, one a



1 licensed veterinarian, one a licensed optometrist, one a licensed dentist, and one a  
2 registered nurse. The initial members of the Commission shall be the members of the  
3 State Board of Health who shall serve for a period equal to the remainder of their current  
4 terms on the State Board of Health, three of whose appointments expire May 1, 1973, and  
5 two of whose appointments expire May 1, 1975. At the end of the respective terms of  
6 office of initial members of the Commission, their successors shall be appointed for terms  
7 of four years and until their successors are appointed and qualify. Any appointment to fill  
8 a vacancy on the Commission created by the resignation, dismissal, death, or disability of  
9 a member shall be for the balance of the unexpired ~~term~~ term, subject to confirmation by  
10 the General Assembly as provided by G.S. 147-16.4.

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

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

24 (e) The members of the Commission shall receive per diem and necessary  
25 traveling and subsistence expenses in accordance with the provisions of G.S. 138-5."  
26

#### 27 –COASTAL RESOURCES COMMISSION CONFIRMATION

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

#### 29 "§ 113A-104. Coastal Resources Commission.

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

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

- 36 (1) One who shall at the time of appointment be actively connected with or  
37 have experience in commercial fishing.
- 38 (2) One who shall at the time of appointment be actively connected with or  
39 have experience in wildlife or sports fishing.
- 40 (3) One who shall at the time of appointment be actively connected with or  
41 have experience in marine ecology.
- 42 (4) One who shall at the time of appointment be actively connected with or  
43 have experience in coastal agriculture.

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

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

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

26 The remaining members of the Commission shall be appointed by the ~~Governor~~  
27 Governor, subject to confirmation by the General Assembly as provided by G.S. 147-  
28 16.4, after completion of the nominating procedures prescribed by subsection (d) of this  
29 section. The members of the Commission whose qualifications are described in  
30 subdivisions (1) through ~~(5), (9), and (11)~~, (5) and subdivision (9) shall be persons who do  
31 not derive any significant portion of their income from land development, construction,  
32 real estate sales, or lobbying and do not otherwise serve as agents for development-  
33 related business activities. The Governor shall require adequate disclosure of potential  
34 conflicts of interest by members. The Governor, by executive order, shall promulgate  
35 criteria regarding conflicts of interest and disclosure thereof for determining the  
36 eligibility of persons under this section.

37 (d) Nominations for Membership. – On or before May 1 in every even-numbered  
38 year the Governor shall designate and transmit to the board of commissioners in each  
39 county in the coastal area four nominating categories applicable to that county for that  
40 year. Said nominating categories shall be selected by the Governor from among the  
41 categories represented, respectively by subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (11)  
42 – two persons, and (12) – two persons, of subsection (b) of this section (or so many of the  
43 above-listed paragraphs as may correspond to vacancies by expiration of term that are

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

32 (e) Residential Qualifications. – All nominees of the several boards of county  
33 commissioners and city governing bodies must reside within the coastal area, but need  
34 not reside in the county from which they were nominated. No more than one of those  
35 members appointed by the Governor from among said nominees may reside in a  
36 particular county. No more than two members of the entire Commission, at any time,  
37 may reside in a particular county. No more than two members of the entire Commission,  
38 at any time, may reside outside the coastal area.

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

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

8 (h) Vacancies. – In the event of a vacancy arising otherwise than by expiration of  
9 term, the Governor shall appoint a successor of like qualification (as specified in  
10 subsection (b) of this section) who shall then serve the remainder of his predecessor's  
11 ~~term~~term, ~~subject to confirmation by the General Assembly as provided by G.S. 147-~~  
12 16.4. When any such vacancy arises, the Governor shall immediately notify the board of  
13 commissioners of each county in the coastal area and the governing body of each  
14 incorporated city within the coastal area. Within 30 days after receipt of such notification  
15 each such county board and city governing body shall nominate and transmit to the  
16 Governor the name and address of one person who is qualified in the category  
17 represented by the position to be filled, together with a brief summary of the  
18 qualifications of the nominee. The Governor shall make the appointment from among  
19 said city and county nominees. If any county board or city governing body fails to make a  
20 timely transmittal of its nominee, the Governor may add to the nominations a qualified  
21 person in lieu of said nominee; Provided however, the Governor may not add to the list a  
22 nominee in lieu of one not transmitted by an incorporated city within the coastal area that  
23 neither has a population of 2,000 or more nor is contiguous with the Atlantic Ocean.

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

28 (j) Compensation. – The members of the Commission shall receive per diem and  
29 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-  
30 5.

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

34 (l) Regular attendance at Commission meetings is a duty of each member. The  
35 Commission shall develop procedures for declaring any seat on the Commission to be  
36 vacant upon failure by a member to perform this duty."  
37

#### 38 –BUILDING CODE COUNCIL CONFIRMATION

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

#### 40 "§ 143-136. **Building Code Council created; membership.**

41 (a) Creation; Membership; Terms. – There is hereby created a Building Code  
42 Council, which shall be composed of 15 members appointed by the Governor, subject to  
43 confirmation by the General Assembly as provided by G.S. 147-16.4, consisting of one

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

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

30 (b) Compensation. – Members of the Building Code Council other than any who  
31 are employees of the State shall receive seven dollars (\$7.00) per day, including  
32 necessary time spent in traveling to and from their place of residence within the State to  
33 any place of meeting or while traveling on official business of the Council. In addition,  
34 all members shall receive mileage and subsistence according to State practice while going  
35 to and from any place of meeting, or when on official business of the Council."  
36

### 37 –BOARD OF AGRICULTURE/NO CONFIRMATION

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

40 "**§ 106-2. Department of Agriculture, Immigration, and Statistics established;**  
41 **Board of Agriculture, membership, terms of office, etc.**

42 The Department of Agriculture, Immigration, and Statistics is created and established  
43 and shall be under the control of the Commissioner of Agriculture, with the consent and

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

29 ~~—ATLANTIC STATES MARINE FISHERIES COMMISSION/NO CONFIRMATION~~

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

31 **"§ 113-254. North Carolina members of Commission.**

32 In pursuance of Article III of said Compact there shall be three members (hereinafter  
33 called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter  
34 called Commission) from the State of North Carolina. The first commissioner from the  
35 State of North Carolina shall be the Fisheries Director of the Division of Marine Fisheries  
36 of the Department, ex officio, and the term of such ex officio commissioner shall  
37 terminate at the time he ceases to hold such office, and his successor as commissioner  
38 shall be his successor as Fisheries Director of the Division of Marine Fisheries. The  
39 second commissioner from the State of North Carolina shall be a legislator and member  
40 of the Commission on Interstate Cooperation of the State of North Carolina, ex officio,  
41 designated by said Commission on Interstate Cooperation, and the term of any such ex  
42 officio commissioner shall terminate at the time he ceases to hold said legislative office  
43 or said office as Commissioner on Interstate Cooperation, and his successor as

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

16 Any commissioner may be removed from office by the Governor upon charges and  
17 after a hearing."  
18

19 ~~TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF~~  
20 ~~TRUSTEES/NO CONFIRMATION~~

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

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

- 24 (1) The State Treasurer, ex officio;
- 25 (2) The Superintendent of Public Instruction, ex officio;
- 26 (3) Ten members to be appointed by the ~~Governor and confirmed by the~~  
27 ~~Senate of North Carolina~~ Governor. One of the appointive members shall  
28 be a member of the teaching profession of the State; one of the  
29 appointive members shall be an employee of the Board of  
30 Transportation, who shall be appointed by the Governor for a term of  
31 four years commencing April 1, 1947, and quadrennially thereafter; one  
32 of the appointive members shall be a representative of higher education  
33 appointed by the Governor for a term of four years commencing July 1,  
34 1969, and quadrennially thereafter; one of the appointive members shall  
35 be a retired teacher who is drawing a retirement allowance, appointed  
36 by the Governor for a term of four years commencing July 1, 1969, and  
37 quadrennially thereafter; one shall be a retired State employee who is  
38 drawing a retirement allowance, appointed by the Governor for a term  
39 of four years commencing July 1, 1977, and quadrennially thereafter;  
40 one to be a general State employee, and three who are not members of  
41 the teaching profession or State employees; two to be appointed for a  
42 term of two years, two for a term of three years and one for a term of  
43 four years; one appointive member shall be a law-enforcement officer

1 employed by the State, appointed by the Governor, for a term of four  
2 years commencing April 1, 1985. At the expiration of these terms of  
3 office the appointment shall be for a term of four years;

- 4 (4) Two members appointed by the General Assembly, one appointed upon  
5 the recommendation of the Speaker of the House of Representatives,  
6 and one appointed upon the recommendation of the President of the  
7 Senate in accordance with G.S. 120-121. Neither of these members may  
8 be an active or retired teacher or State employee or an employee of a  
9 unit of local government. The initial members appointed by the General  
10 Assembly shall serve for terms expiring June 30, 1983. Thereafter, their  
11 successors shall serve for two-year terms beginning July 1 of odd-  
12 numbered years. Vacancies in appointments made by the General  
13 Assembly shall be filled in accordance with G.S. 120-122."  
14

15 –COMMISSIONER OF MOTOR VEHICLES CONFIRMATION

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

17 "**§ 20-2. Commissioner of Motor Vehicles; rules.**

18 (a) Commissioner and Assistants. – The Division of Motor Vehicles shall be  
19 administered by the Commissioner of Motor Vehicles, who shall be appointed by and  
20 serve at the pleasure of the Secretary of the Department of ~~Transportation~~Transportation;  
21 provided that the appointment is subject to confirmation by the General Assembly as  
22 provided by G.S. 147-16.4 as if the appointment was made by the Governor. The  
23 Commissioner shall be paid an annual salary to be fixed by the General Assembly in the  
24 Current Operations Appropriations Act and allowed his traveling expenses as allowed by  
25 law. An acting Commissioner may be appointed by the Secretary under the same  
26 procedures as the Governor may appoint an acting officer under G.S. 147-12(3) and G.S.  
27 147-16.4.

28 In any action, proceeding, or matter of any kind, to which the Commissioner of Motor  
29 Vehicles is a party or in which he may have an interest, all pleadings, legal notices, proof  
30 of claim, warrants for collection, certificates of tax liability, executions, and other legal  
31 documents, may be signed and verified on behalf of the Commissioner of Motor Vehicles  
32 by the Assistant Commissioner of Motor Vehicles or by any director or assistant director  
33 of any section of the Division of Motor Vehicles or by any other agent or employee of the  
34 Division so authorized by the Commissioner of Motor Vehicles.

35 (b) Rules. – The Commissioner may adopt rules to implement this Chapter.  
36 Chapter 150B of the General Statutes governs the adoption of rules by the  
37 Commissioner."  
38

39 – CHAIRMAN OF EMPLOYMENT SECURITY COMMISSION

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

41 "**§ 96-3. Employment Security Commission.**

42 (a) Organization. – There is hereby created a commission to be known as the  
43 Employment Security Commission of North Carolina. The Commission shall consist of



1 seven members to be appointed by the Governor on or before July 1, 1941. The Governor  
2 shall have the power to designate the member of said Commission who shall act as the  
3 chairman ~~thereof.~~ thereof, subject to confirmation by the General Assembly as provided  
4 by G.S. 147-16.4. The chairman of the Commission shall not engage in any other  
5 business, vocation or employment. Three members of the Commission shall be appointed  
6 by the Governor to serve for a term of two years. Three members shall be appointed to  
7 serve for a term of four years, and upon the expiration of the respective terms, the  
8 successors of said members shall be appointed for a term of four years each, thereafter,  
9 and the member of said Commission designated by the Governor as chairman shall serve  
10 at the pleasure of the Governor. Any member appointed to fill a vacancy occurring in any  
11 of the appointments made by the Governor prior to the expiration of the term for which  
12 his predecessor was appointed shall be appointed for the remainder of such ~~term.~~ term,  
13 provided that the designation of a chairman to fill a vacancy is subject to confirmation by  
14 the General Assembly as provided by G.S. 147-16.4. The Governor may at any time  
15 after notice and hearing, remove any Commissioner for gross inefficiency, neglect of  
16 duty, malfeasance, misfeasance, or nonfeasance in office.

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

26 (c) Salaries. – The chairman of the Employment Security Commission of North  
27 ~~Carolina, appointed by the Governor, Carolina~~ shall be paid from the Employment Security  
28 Administration Fund a salary payable on a monthly basis, which salary shall be fixed by  
29 the General Assembly in the Current Operations Appropriations Act; and the members of  
30 the Commission, other than the chairman, shall each receive the same amount per diem  
31 for their services as is provided for the members of other State boards, commissions, and  
32 committees who receive compensation for their services as such, including necessary  
33 time spent in traveling to and from his place of residence within the State to the place of  
34 meeting while engaged in the discharge of the duties of his office and his actual traveling  
35 expenses, the same to be paid from the aforesaid fund.

36 (d) Quorum. – The chairman or his designee and three members of the  
37 Commission shall constitute a quorum."  
38

39 –BANKING COMMISSIONER (CONFORMING CHANGES)

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

41 "**§ 53-92. (Applicable until January 1, 1997) Appointment of Commissioner of**  
42 **Banks; State Banking Commission.**

1 On or before April 1, 1983, and quadrennially thereafter, the Governor shall appoint a  
2 Commissioner of Banks subject to confirmation by the General Assembly ~~by joint~~  
3 ~~resolution, as provided by G.S. 147-16.4. The name of the Commissioner of Banks shall be~~  
4 ~~submitted to the General Assembly on or before February 1, of the year in which the term of his~~  
5 ~~office begins.—~~The term of office for the Commissioner of Banks shall be four years. ~~In~~  
6 ~~case of a vacancy in the office of Commissioner of Banks for any reason prior to the expiration~~  
7 ~~of his term of office, the name of his successor shall be submitted by the Governor to the General~~  
8 ~~Assembly, not later than four weeks after the vacancy arises. If a vacancy arises in the office~~  
9 ~~when the General Assembly is not in session, the Commissioner of Banks shall be appointed by~~  
10 ~~the Governor to serve on an interim basis pending confirmation by the General Assembly.~~

11 The State Banking Commission, which has heretofore been created, shall consist of  
12 the State Treasurer, who shall serve as an ex officio member thereof, 12 members  
13 appointed by the Governor, and two members appointed by the General Assembly under  
14 G.S. 120-121, one of whom shall be appointed upon the recommendation of the President  
15 of the Senate and one of whom shall be appointed upon the recommendation of the  
16 Speaker of the House of Representatives. The Governor shall appoint five practical  
17 bankers and seven persons selected primarily as representatives of the borrowing public.  
18 The person appointed by the General Assembly upon the recommendation of the  
19 President of the Senate shall be a practical banker. The person appointed by the General  
20 Assembly upon the recommendation of the Speaker of the House shall be a person  
21 selected primarily as a representative of the borrowing public. The persons selected  
22 primarily as representatives of the borrowing public shall not be employees or directors  
23 of any financial institution nor shall they have any interest in any regulated financial  
24 institution other than as a result of being a depositor or borrower. Under this section, no  
25 person shall be considered to have an interest in a financial institution whose interest in  
26 any financial institution does not exceed one-half of one percent (1/2 of 1%) of the  
27 capital stock of that financial institution. These members of the Commission shall be  
28 selected so as to fully represent the consumer, industrial, manufacturing, professional,  
29 business and farming interests of the State. No person shall serve on the Commission for  
30 more than two complete consecutive terms. As the terms of office of the appointive  
31 members of the Commission expire, their successors shall be appointed by the person  
32 appointing them, for terms of four years each. Any vacancy occurring in the membership  
33 of the Commission shall be filled by the appropriate appointing officer for the unexpired  
34 term, except that vacancies among members appointed by the General Assembly shall be  
35 filled in accordance with G.S. 120-122. The appointed members of the Commission shall  
36 receive as compensation for their services the same per diem and expenses as is paid to  
37 the members of the Advisory Budget Commission. This compensation shall be paid from  
38 the fees collected from the examination of banks as provided by law.

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

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

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

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

19 The Banking Commission is hereby vested with full power and authority to supervise,  
20 direct and review the exercise by the Commissioner of Banks of all powers, duties, and  
21 functions now vested in or exercised by the Commissioner of Banks under the banking  
22 laws of this State; any party to a proceeding before the Banking Commission may, within  
23 20 days after final order of said Commission and by written notice to the Commissioner  
24 of Banks, appeal to the Superior Court of Wake County for a final determination of any  
25 question of law which may be involved. The cause shall be entitled 'State of North  
26 Carolina on Relation of the Banking Commission against (here insert name of appellant).'

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

30  
31 –STATE CONTROLLER (CONFORMING CHANGES)

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

33 **"§ 143B-426.37. State Controller.**

34 (a) The Office of the State Controller shall be headed by the State Controller who  
35 shall maintain the State accounting system and shall administer the State disbursing  
36 system.

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

41 ~~The Governor shall submit the name of the person to be appointed, for confirmation~~  
42 ~~by the General Assembly, to the President of the Senate and the Speaker of the House of~~  
43 ~~Representatives by May 1 of the year in which the State Controller is to be appointed. If~~

1 the Governor does not submit the name by that date, the President of the Senate and the  
2 Speaker of the House of Representatives shall submit a name to the General Assembly  
3 for confirmation.

4 In case of death, incapacity, resignation, removal by the Governor for cause, or  
5 vacancy for any other reason in the Office of State Controller prior to the expiration of  
6 the term of office while the General Assembly is in session, the Governor shall submit  
7 the name of a successor to the President of the Senate and the Speaker of the House of  
8 Representatives within four weeks after the vacancy occurs. If the Governor does not do  
9 so, the President of the Senate and the Speaker of the House of Representatives shall  
10 submit a name to the General Assembly for confirmation.

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

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

18  
19 –UTILITIES COMMISSION (CONFORMING CHANGES)

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

21 "**§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies;**  
22 **compensation; other employment prohibited.**

23 (a) The North Carolina Utilities Commission shall consist of seven commissioners  
24 who shall be appointed by the Governor subject to confirmation by the General Assembly  
25 by joint resolution, as provided by G.S. 147-16.4. The names of commissioners to be  
26 appointed by the Governor shall be submitted by the Governor to the General Assembly for  
27 confirmation by the General Assembly on or before May 1, of the year in which the terms for  
28 which the appointments are to be made are to expire. Upon failure of the Governor to submit  
29 names as herein provided, the Lieutenant Governor and Speaker of the House jointly shall  
30 submit the names of a like number of commissioners to the General Assembly on or before May  
31 15 of the same year for confirmation by the General Assembly. Regardless of the way in which  
32 names of commissioners are submitted, confirmation of commissioners must be accomplished  
33 prior to adjournment of the then current session of the General Assembly.—This subsection  
34 shall be subject to the provisions of subsection (c) of this section.

35 (b) The terms of the commissioners now serving shall expire at the conclusion of  
36 the term for which they were appointed which shall remain as before with two regular  
37 eight-year terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth  
38 term expiring on July 1 of each eighth year after July 1, 1963. The terms of office of  
39 utilities commissioners thereafter shall be eight years commencing on July 1 of the year  
40 in which the predecessor terms expired, and ending on July 1 of the eighth year  
41 thereafter.

42 (c) In order to increase the number of commissioners to seven, the names of two  
43 additional commissioners shall be submitted to the General Assembly on or before May

1 27, 1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The  
2 commissioners so appointed and confirmed shall serve new terms commencing on July 1,  
3 1975, one of which shall be for a period of two years (with the immediate successor  
4 serving for a period of six years), and one of which shall be for a period of two years.

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

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

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

16 ~~(f) In case of death, incapacity, resignation or vacancy for any other reason in the  
17 office of any commissioner prior to the expiration of his term of office, the name of his  
18 successor shall be submitted by the Governor within four weeks after the vacancy arises  
19 to the General Assembly for confirmation by the General Assembly. Upon failure of the  
20 Governor to submit the name of the successor, the Lieutenant Governor and Speaker of  
21 the House jointly shall submit the name of a successor to the General Assembly within  
22 six weeks after the vacancy arises. Regardless of the way in which names of  
23 commissioners are submitted, confirmation of commissioners must be accomplished prior  
24 to the adjournment of the then current session of the General Assembly.~~

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

29 (h) The salary of each commissioner and that of the commissioner designated as  
30 chairman shall be set by the General Assembly in the Current Operations Appropriations  
31 Act. In lieu of merit and other increment raises paid to regular State employees, each  
32 commissioner, including the commissioner designated as chairman, shall receive as  
33 longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual  
34 salary set forth in the Current Operations Appropriations Act payable monthly after five  
35 years of service, and nine and six-tenths percent (9.6%) after 10 years of service.  
36 "Service" means service as a member of the Utilities Commission.

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

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

3  
4 –EXECUTIVE DIRECTOR OF UTILITIES COMMISSION (CONFORMING  
5 CHANGES)

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

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

24  
25 –STATE PERSONNEL COMMISSION (CONFORMING CHANGES)

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

28 "(b) The Commission shall consist of seven members who shall be appointed by the  
29 ~~Governor~~ Governor, subject to confirmation by the General Assembly as provided by G.S.  
30 147-16.4, as follows:

31 (1) Two members shall be chosen from employees of the State subject to  
32 the provisions of this Chapter, one of whom shall be a member of the  
33 political party having the greatest number of registered voters in the  
34 State, and one of whom shall be a member of the political party having  
35 the second highest number of registered voters in the State. At least one  
36 of these two members must be knowledgeable of personnel issues but  
37 may not be a personnel officer for an agency.

38 (2) Two members shall be appointed from a list of individuals nominated  
39 by the North Carolina Association of County Commissioners, one of  
40 whom shall be a member of the political party having the greatest  
41 number of registered voters in the State, and one of whom shall be a  
42 member of the political party having the second highest number of

1 registered voters in the State. Of these two members, one must also be  
2 an employee of a local government subject to this Chapter.

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

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

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

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

## 15 PART II. BOARDS AND COMMISSIONS CHANGES

### 16 -BOARD OF AGRICULTURE

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

18 "**§ 106-2. Department of Agriculture, Immigration, and Statistics established;**  
19 **Board of Agriculture, membership, terms of office, etc.**

20 The Department of Agriculture, Immigration, and Statistics is created and established  
21 and shall be under the control of the Commissioner of Agriculture, with the consent and  
22 advice of a board to be styled 'The Board of Agriculture.' The Board of Agriculture shall  
23 consist of the Commissioner of Agriculture, who shall be ex officio a member and  
24 chairman thereof and shall preside at all meetings, and of ~~10~~11 other members from the  
25 State at large, so distributed as to reasonably represent the different sections and  
26 agriculture of the State. In the appointment of the members of the Board the Governor  
27 shall also take into consideration the different agricultural interests of the State, and shall  
28 appoint one member who shall be a practical tobacco farmer to represent the tobacco  
29 farming interest, one who shall be a practical cotton grower to represent the cotton  
30 interest, one who shall be a practical truck farmer or general farmer to represent the truck  
31 and general farming interest, one who shall be a practical dairy farmer to represent the  
32 dairy and livestock interest of the State, one who shall be a practical poultryman to  
33 represent the poultry interest of the State, one who shall be a practical peanut grower to  
34 represent the peanut interests, one who shall be a hog farmer to represent the interest of  
35 hog farmers, one who shall be ~~a man~~-experienced in marketing to represent the marketing  
36 of products of the State. The members of such Board shall be appointed by the Governor  
37 by and with the consent of the Senate, when the terms of the incumbents respectively  
38 expire. The term of office of such members shall be six years and until their successors  
39 are duly appointed and qualified. The terms of office of the five members constituting the  
40 present Board of Agriculture shall continue for the time for which they were appointed.  
41 In making appointments for the enlarged Board of Agriculture, the Governor shall make  
42  
43

1 the appointments so that the term of three members will be for two years, three for four  
2 and four for six years. Thereafter the appointments shall be made for six years. The  
3 initial appointment of the hog farmer required by this section shall be for a six-year term  
4 beginning July 1, 1996. ~~Vacancies in such on the~~ Board shall be filled by the Governor  
5 for the unexpired term. The Commissioner of Agriculture and the members of the Board  
6 of Agriculture shall be practical farmers engaged in their profession."  
7

8 -GOVERNOR'S CRIME COMMISSION

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

10 "(1) The voting members shall be:

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

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



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

15 –ENVIRONMENTAL MANAGEMENT COMMISSION

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

17 **"§ 143B-283. Environmental Management Commission – members; selection;**  
18 **removal; compensation; quorum; services.**

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

- 23           (1) One who shall be a licensed physician with specialized training and  
24 experience in the health effects of environmental pollution;
- 25           (2) One who shall, at the time of appointment, be actively connected with  
26 the Commission for Health Services or local board of health or have  
27 experience in health sciences;
- 28           (3) One who shall, at the time of appointment, be actively ~~connected with or~~  
29 ~~have had experience in agriculture;~~ practicing as a farmer;
- 30           (4) One who shall, at the time of appointment, be a registered engineer with  
31 specialized training and experience in water supply or water or air  
32 pollution control;
- 33           (5) One who shall, at the time of appointment, be actively connected with  
34 or have had experience in the fish and wildlife conservation activities of  
35 the State;
- 36           (6) One who shall, at the time of appointment, have special training and  
37 scientific expertise in hydrogeology or groundwater hydrology;
- 38           (7) ~~Three~~ Two members interested in water and air pollution control,  
39 appointed from the public at large;
- 40           (8) One who shall, at the time of appointment, be actively connected with  
41 industrial production or have had experience in the field of industrial air  
42 and water pollution control;

1 (9) One who shall, at the time of appointment, be actively connected with  
2 or have had experience in pollution control problems of municipal or  
3 county government;

4 (9a) One who shall, at the time of appointment, be a builder or developer;

5 (10) One who shall, at the time of appointment, have special training and  
6 scientific expertise in air pollution control and the effects of air  
7 pollution; and

8 (11) One who shall, at the time of appointment, have special training and  
9 scientific expertise in freshwater, estuarine, marine biological, or  
10 ecological sciences.

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

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

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

32 A majority of the Commission shall constitute a quorum for the transaction of  
33 business.

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

36 (c) Nine of the members appointed by the Governor under this section shall be  
37 persons who do not derive any significant portion of their income from persons subject to  
38 permits or enforcement orders under this Chapter. The Governor shall require adequate  
39 disclosure of potential conflicts of interest by members. The Governor, by executive  
40 order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for  
41 determining the eligibility of persons under this section, giving due regard to the  
42 requirements of federal legislation, and for this purpose may promulgate rules,

1 regulations or guidelines in conformance with those established by any federal agency  
2 interpreting and applying provisions of federal law.

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

10  
11 –POST-RELEASE SUPERVISION AND PAROLE COMMISSION

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

13 "§ 143B-267. **Post-Release Supervision and Parole Commission – members;**  
14 **selection; removal; chairman; compensation; quorum; services.**

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

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

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

1 The full-time members of the Commission shall receive the salary fixed by the  
2 General Assembly in the Current Operations Appropriations Act and shall receive  
3 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-  
4 6.

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

7  
8 ~~–STATE PERSONNEL COMMISSION~~

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

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

12 (1) ~~Two members of the Commission shall be chosen from employees of the~~  
13 ~~State subject to the provisions of this Chapter; Chapter, one of whom~~  
14 ~~shall be a member of the political party having the greatest number of~~  
15 ~~registered voters in the State, and one of whom shall be a member of the~~  
16 ~~political party having the second highest number of registered voters in~~  
17 ~~the State. At least one of these two members must be knowledgeable of~~  
18 ~~personnel issues but may not be a personnel officer for an agency.~~

19 (2) ~~two~~ ~~Two~~ ~~members shall be appointed, of which one shall be an~~  
20 ~~employee of local government subject to the provisions of this Chapter,~~  
21 ~~appointed from a list of individuals nominated by the North Carolina~~  
22 ~~association of county commissioners; Association of County~~  
23 ~~Commissioners, one of whom shall be a member of the political party~~  
24 ~~having the greatest number of registered voters in the State, and one of~~  
25 ~~whom shall be a member of the political party having the second highest~~  
26 ~~number of registered voters in the State. Of these two members, one~~  
27 ~~must also be an employee of a local government subject to this Chapter.~~

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

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

34 Of the initial members of the Commission, two shall be appointed to serve for terms  
35 of two years, two shall be appointed to serve for terms of four years, and three shall be  
36 appointed to serve for terms of six years. Their successors shall be appointed by the  
37 Governor for terms of six years. Any vacancy occurring prior to the expiration of a term  
38 shall be filled by appointment for the unexpired term."

39  
40 ~~–ZOOLOGICAL PARK COUNCIL~~

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

42 "**§ 143B-336. North Carolina Zoological Park Council – members; selection;**  
43 **removal; chairman; compensation; quorum; services.**

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

23 The Governor shall have the power to remove any member of the Council from office  
24 in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of  
25 1973.

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

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

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

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

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

### 35 36 PART III. EFFECTIVE DATES AND OTHER CHANGES

37  
38 Sec. 3.1. G.S. 120-19.4A reads as rewritten:

39 "**§ 120-19.4A. Requests to State Bureau of Investigation for background**  
40 **investigation of a person who must be confirmed by legislative action.**

41 The President Pro Tempore of the Senate or the Speaker of the House may request  
42 that the State Bureau of Investigation perform a background investigation on a person  
43 who must be appointed or confirmed by the General Assembly, the Senate, or the House

1 of Representatives. The person being investigated shall be given written notice by  
2 regular mail at least 10 days prior to the date that the State Bureau of Investigation is  
3 requested to perform the background investigation by the ~~presiding~~ officer of the body  
4 from which the request originated. There is a rebuttable presumption that the person  
5 being investigated received the notice if the presiding officer has a copy of the notice.  
6 The State Bureau of Investigation shall perform the requested background investigation  
7 and shall provide the information, including criminal records, to the ~~presiding~~ officer of  
8 the body from which the request originated. A copy of the information also shall be  
9 provided to the person being investigated. The term 'background investigation' shall be  
10 limited to an investigation of a person's criminal record, educational background,  
11 employment record, records concerning the listing and payment of taxes, and credit  
12 record, and to a requirement that the person provide the information contained in the  
13 statements of economic interest required to be filed by persons subject to Executive  
14 Order Number 1, filed on January 31, 1985, as contained on pages 1405 through 1419 of  
15 the 1985 Session Laws (First Session, 1985)."

16       Sec. 3.2. Part I of this act shall become effective only if the constitutional  
17 amendments proposed in Chapter 5 of the 1995 Session Laws, AN ACT TO PROVIDE  
18 FOR A REFERENDUM TO AMEND THE CONSTITUTION TO PROVIDE FOR A  
19 GUBERNATORIAL VETO, are approved by the qualified voters of this State in the  
20 referendum held pursuant to Chapter 5 of the 1995 Session Laws. If those constitutional  
21 amendments are approved, then this act shall become effective upon the certification by  
22 the State Board of Elections to the Secretary of State that those amendments have been  
23 approved and shall apply to terms of office and vacancies occurring on or after that  
24 certification. The remainder of this act is effective upon ratification, and applies, except  
25 as provided in Section 2.6, to terms of office and vacancies occurring on or after that  
26 date.