

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 1283  
Rules and Operations of the Senate Committee Substitute Adopted 10/1/02**

Short Title: President Pro Tem and Speaker Appointments.

(Public)

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Sponsors:

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Referred to:

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June 10, 2002

A BILL TO BE ENTITLED

1  
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE  
3 RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE  
4 AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO  
5 MAKE VARIOUS CHANGES TO THE APPOINTMENTS TO BOARDS AND  
6 COMMISSIONS.

7       Whereas, G.S. 120-121 authorizes the General Assembly to make certain  
8 appointments to public offices upon the recommendation of the President Pro Tempore  
9 of the Senate and of the Speaker of the House of Representatives; and

10       Whereas, the President Pro Tempore of the Senate and the Speaker of the  
11 House of Representatives have made recommendations; Now, therefore,  
12 The General Assembly of North Carolina enacts:

13  
14 **PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS**

15       **SECTION 1.1.** Ken Morehead of Durham County is appointed to the  
16 Acupuncture Licensing Board for a term expiring on June 30, 2005.

17       **SECTION 1.2.** Ralph Brown of Iredell County is appointed to the Alarm  
18 Systems Licensing Board for a term expiring on June 30, 2005.

19       **SECTION 1.3.** Henry Faircloth of Sampson County and Stephanie Simpson  
20 of Wake County are appointed to the North Carolina Appraisal Board for terms expiring  
21 on June 30, 2005.

22       **SECTION 1.4.** Gladys Brooks of Buncombe County is appointed to the  
23 North Carolina Arboretum Board of Directors for a term expiring on June 30, 2006.

24       **SECTION 1.5.** Jennifer Lee Robinson of Mecklenburg County is appointed  
25 to the Board of Directors for the North Carolina Center for Nursing for a term expiring  
26 on June 30, 2005.

27       **SECTION 1.6.** Beth Rector of Columbus County and Margaret Biddle of  
28 Wake County are appointed to the Child Care Commission for terms expiring on June  
29 30, 2004.

1           **SECTION 1.6A.** The Honorable Johnnie Mosley of Lenoir County is  
2 appointed to the Board of Trustees of the Clean Water Management Trust Fund for a  
3 term expiring on July 1, 2004, to fill the unexpired term of Allen Hardison.

4           **SECTION 1.7.** Lisa Privette of Harnett County is appointed to the North  
5 Carolina Code Officials Qualifications Board for a term expiring on June 30, 2006.

6           **SECTION 1.8.** Anna McCoy Smith of Forsyth County is appointed to the  
7 North Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2005.

8           **SECTION 1.9.** Dr. Barbara Ann Hughes of Wake County is appointed to the  
9 North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2005.

10          **SECTION 1.10.** Effective September 1, 2002, Barbara Arnold of Wayne  
11 County, Dr. Deborah Weissman of Orange County, Lynn Bryant of Dare County, and  
12 Jan Capps of Durham County are appointed to the Domestic Violence Commission for  
13 terms expiring on August 31, 2005.

14          **SECTION 1.11.** The Honorable Dan Robinson of Jackson County is  
15 appointed to the North Carolina Advisory Council of the Eastern Band of the Cherokee  
16 for a term expiring on June 30, 2004.

17          **SECTION 1.12.** Effective September 1, 2002, Margaret Wingate of  
18 Mecklenburg County is appointed to the North Carolina Board of Electrolysis  
19 Examiners for a term expiring on August 31, 2005.

20          **SECTION 1.13.** Dr. Olson Huff of Buncombe County and Dr. Ed Monroe  
21 of Pitt County are appointed to the Health and Wellness Trust Fund Commission for  
22 terms expiring on June 30, 2006.

23          **SECTION 1.14.** Effective September 1, 2002, Mayor Gerald Holleman and  
24 Jeanne Tedrow of Wake County, Joey Carpenter of Gaston County, Jeffrey Null of  
25 Cumberland County, and Ed Moran of Craven County are appointed to the North  
26 Carolina Housing Partnership for terms expiring on August 31, 2005.

27          **SECTION 1.15.** Carlene Fletcher of Granville County is appointed to the  
28 North Carolina Human Relations Commission for a term expiring on June 30, 2006.

29          **SECTION 1.16.** Effective August 15, 2002, Don McCorquodale, Dwight  
30 Allen, and Darleen Johns of Wake County and Janet Smith of Davie County are  
31 appointed to the Joint Select Committee on Information Technology for terms expiring  
32 on August 14, 2004.

33          **SECTION 1.17.** Linda Piron Foster of Dare County and Dennie Martin of  
34 Buncombe County are appointed to the State Infrastructure Council for terms expiring  
35 on June 30, 2004.

36          **SECTION 1.18.** The Honorable Charles Dannelly of Mecklenburg County,  
37 the Honorable Keever Clark of New Hanover County, Dr. Lizette Sanchez-Lugo of  
38 Guilford County, and Dr. Betty Alexander of Forsyth County are appointed to the  
39 Minority Health Advisory Council for terms expiring on June 30, 2004.

40          **SECTION 1.19.** Effective January 1, 2003, The Honorable Gene Rogers of  
41 Martin County is appointed to the Northeastern North Carolina Regional Economic  
42 Development Commission for a term expiring on June 30, 2003.

1           **SECTION 1.20.** Cynthia Tart of Brunswick County and Edwin C. Holbrook  
2 of Cleveland County are appointed to the North Carolina Parks and Recreation  
3 Authority for terms expiring on June 30, 2005.

4           **SECTION 1.21.** Richard Allen of Anson County is appointed to the Private  
5 Protective Services Board for a term expiring on June 30, 2005.

6           **SECTION 1.22.** Effective September 1, 2002, David Corsetti of Wake  
7 County, Catherine Sledge of Warren County, Libbie Hodges of Beaufort County, and  
8 Loretta Fodrie of Mecklenburg County are appointed to the North Carolina Professional  
9 Teaching Standards Commission for terms expiring on August 31, 2004.

10          **SECTION 1.23.** Effective August 1, 2002, Marsha Jordan of Lincoln  
11 County and Janie Waff of Chowan County are appointed to the North Carolina Real  
12 Estate Commission for terms expiring on July 31, 2005.

13          **SECTION 1.24.** The Honorable Bobby Owens, William Kealy, and JoAnn  
14 Williams of Dare County are appointed to the Roanoke Island Commission for terms  
15 expiring on June 30, 2004.

16          **SECTION 1.25.** Robert Saunders of Wake County is appointed to the Rules  
17 Review Commission for a term expiring on June 30, 2004.

18          **SECTION 1.26.** Effective August 1, 2002, The Honorable Patricia Ferguson  
19 of Bertie County, Dr. Donald Altieri of Anson County, William S. Wellons, Jr. of  
20 Cumberland County, and John T. Killebrew, Jr. of Wake County are appointed to the  
21 North Carolina Rural Internet Access Authority for terms expiring on July 31, 2003.

22          **SECTION 1.27.** Edward Hearn of Wake County is appointed to the North  
23 Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2005.

24          **SECTION 1.28.** Willy E. Stewart of Wake County and Ladson Brearley of  
25 Mecklenburg County are appointed to the State Building Commission for terms  
26 expiring on June 30, 2005. Allen Lassiter of Perquimans County is appointed to the  
27 State Building Commission for a term expiring on June 30, 2003, to fill the unexpired  
28 term of Charles E. Truelove.

29          **SECTION 1.29.** Douglas A. Fox of New Hanover County is appointed to  
30 the North Carolina State Ports Authority for a term expiring on June 30, 2004.

31          **SECTION 1.30.** William Tesh of Guilford County and Howard M. Nifong,  
32 Jr. of Mecklenburg County are appointed to the Structural Pest Control Committee for  
33 terms expiring on June 30, 2006.

34          **SECTION 1.31.** Glenn Marek of Orange County is appointed to the Board  
35 of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan  
36 for a term expiring on June 30, 2004.

37          **SECTION 1.32.** Wayne Daves and Bob Philbeck of Wake County and  
38 Kimberly Floyd of Guilford County are appointed to the Vocational Rehabilitation  
39 Council for terms expiring on June 30, 2005.

40          **SECTION 1.33.** Wilson Martin of Iredell County and J. Michael Floyd of  
41 Mecklenburg County are appointed to the Well Contractors Certification Commission  
42 for terms expiring on June 30, 2005.

1           **SECTION 1.34.** Effective May 1, 2002, Brian Prevatte of New Hanover  
2 County is appointed to the North Carolina Wildlife Resources Commission for a term  
3 expiring on April 30, 2004.

4           **SECTION 1.35.** Chief Robert Cherry of Edgecombe County, Leigh Emick  
5 Horner of Orange County, Neal Allen of Randolph County, Belinda Gurkins of Pitt  
6 County, and William L. Tant, Jr. of Nash County are appointed to the Wireless 911  
7 Board for terms expiring on June 30, 2006.

## 8 9 **PART II. SPEAKER'S RECOMMENDATIONS**

### 10 11 **PART III. CORRECTION OF TERMS**

12           **SECTION 3.1.** Section 1A.4 of S.L. 2001-486 is repealed.

13           **SECTION 3.2.** Section 1A.7 of S.L. 2001-486 reads as rewritten:

14           **"SECTION 1A.7.** O. Temple Sloan and Don Beason of Wake County are  
15 appointed to the Centennial Authority for terms expiring on ~~June 30, 2003.~~June 30,  
16 2005."

17           **SECTION 3.3.** Section 1A.27 of S.L. 2001-486 reads as rewritten:

18           **"SECTION 1A.27.** Notwithstanding G.S. 90-210.18(b1) and (b3), and S.L. 2001-  
19 294, George S. Parrott of Carteret County is appointed to the North Carolina Board of  
20 Mortuary Science for a term beginning on January 1, 2002, expiring on ~~December 31,~~  
21 ~~2003.~~ June 30, 2006, to serve as the General Assembly's appointee upon the nomination  
22 of the Speaker of the House of Representatives and to replace Mr. Stuart Cozort whose  
23 term of office shall cease on January 1, 2002."

24           **SECTION 3.4.** Section 1A.32 of S.L. 2001-486 reads as rewritten:

25           **"SECTION 1A.32.** Russell Robinson of Guilford County and Dr. Kenneth M.  
26 Sadler of Forsyth County are appointed to the North Carolina Parks and Recreation  
27 Authority for terms expiring on ~~June 30, 2003.~~June 30, 2004."

## 28 29 **PART IV. STATUTORY AND SESSION LAW CHANGES**

### 30 **--MOTOR VEHICLE DEALERS' ADVISORY BOARD ABOLISHED**

31           **SECTION 4.1.(a)** G.S. 20-305.4 is repealed.

32           **SECTION 4.1.(b)** G.S. 20-305.5 reads as rewritten:

33           **"§ 20-305.5.** **Sections 20-305, subdivisions (4) through (28), and 20-305.1 to**  
34 **~~20-305.4~~20-305.3 not applicable to certain manufacturers and dealers.**

35           The provisions of G.S. 20-305(4) through G.S. 20-305(28) and 20-305.1 to  
36 ~~20-305.4~~20-305.3 shall not apply to manufacturers of, or dealers in, mobile or  
37 manufactured type housing or recreational trailers."

### 38 39 **--NORTH CAROLINA BOARD OF MORTUARY SCIENCE**

40           **SECTION 4.2.(a)** G.S. 90-210.18 reads as rewritten:

41           **"§ 90-210.18.** **Construction of Article; State Board; members; election;**  
42 **qualifications; term; vacancies.**

43           (a) The General Assembly declares that the practice of funeral service affects the  
44 public health, safety and welfare, and is subject to regulation and control in the public

1 interest. The public interest requires that only qualified persons be permitted to practice  
2 funeral service in North Carolina, and that the profession merit the confidence of the  
3 public. This Article shall be liberally construed to accomplish these ends.

4 (b) The North Carolina Board of Mortuary Science is created and shall regulate  
5 the practice of funeral service in this State. The Board shall have nine members as  
6 follows:

7 (1) ~~Four funeral service licensees or persons holding both funeral~~  
8 ~~director's license and an embalmer's license, Three members appointed~~  
9 ~~by the Governor.~~

10 (2) ~~Two persons holding a funeral director's license or a funeral service~~  
11 ~~license, and Three members appointed by the General Assembly upon~~  
12 ~~the recommendation of the Speaker of the House of Representatives.~~

13 (3) ~~Three public members, members appointed by the General Assembly~~  
14 ~~upon the recommendation of the President Pro Tempore of the Senate.~~

15 To establish staggered terms, the Governor, the General Assembly, upon the  
16 recommendation of the Speaker of the House of Representatives, and the General  
17 Assembly, upon the recommendation of the President Pro Tempore of the Senate, each,  
18 shall initially appoint one member to serve one year, one member to serve two years,  
19 and one member to serve three years. A vacancy shall be filled for an unexpired term by  
20 the appointing authority.

21 (b1) A member's term shall be three years and shall expire on ~~December 31~~ June  
22 30 or when ~~his or her~~ that member's successor has been duly ~~elected or appointed.~~  
23 appointed, whichever is later. No member may serve more than two complete  
24 consecutive terms. All members of the Board shall have full voting authority.

25 (b2) ~~The six seats on the Board for licensees shall be filled in an election in which~~  
26 ~~every person licensed to practice embalming, funeral directing, or funeral service in this~~  
27 ~~State may vote. No licensee may be nominated, elected, or serve unless he holds a North~~  
28 ~~Carolina license in the class designated for the seat and unless the licensee is engaged in~~  
29 ~~full-time employment in this State in a practice authorized by the licensee's license. Any~~  
30 ~~vacancy occurring in an elective seat on the Board shall be filled for the unexpired term~~  
31 ~~by majority vote of the remaining Board members.~~

32 (b3) ~~The Governor, the General Assembly upon the recommendation of the~~  
33 ~~President Pro Tempore of the Senate, and the General Assembly upon the~~  
34 ~~recommendation of the Speaker of the House of Representatives shall each appoint one~~  
35 ~~public member to the Board. The public members of the Board may neither be licensed~~  
36 ~~under this Article nor employed by a person who is. A vacancy occurring in a public~~  
37 ~~member's seat shall be filled for the unexpired term by the appointing official.~~

38 (c) ~~Nominations and elections of members of the North Carolina State Board of~~  
39 ~~Mortuary Science shall be as follows:~~

40 (1) ~~An election shall be held each year to elect two persons for~~  
41 ~~membership on the Board of Mortuary Science, each to take office on~~  
42 ~~the first day of January following the election. If in any year the~~  
43 ~~election of a member of the Board is not completed by January 1, the~~

- 1                    ~~member elected that year shall take office immediately after~~  
2                    ~~completion of the election.~~
- 3                    (2) ~~Every embalmer, funeral director and funeral service licensee with a~~  
4                    ~~current North Carolina license shall be eligible to vote in all elections.~~  
5                    ~~The holding of such a license to practice in North Carolina shall~~  
6                    ~~constitute registration to vote in such elections. The list of licensed~~  
7                    ~~embalmers, funeral directors and funeral service licensees shall~~  
8                    ~~constitute the registration list for elections.~~
- 9                    (3) ~~All elections shall be conducted by the State Board of Mortuary~~  
10                   ~~Science which is hereby constituted a Board of Mortuary Science~~  
11                   ~~Elections. If a member of the State Board of Mortuary Science whose~~  
12                   ~~position is to be filled at any election is nominated to succeed himself~~  
13                   ~~and does not withdraw his name, he shall be disqualified to serve as a~~  
14                   ~~member of the Board of Mortuary Science Elections for that election~~  
15                   ~~and the remaining members of the Board of Mortuary Science~~  
16                   ~~Elections shall proceed and function without his participation.~~
- 17                   (4) ~~Nomination of candidates for election shall be made to the Board of~~  
18                   ~~Mortuary Science Elections by a written petition signed by not less~~  
19                   ~~than 20 embalmers, funeral directors or funeral service licensees~~  
20                   ~~licensed to practice in North Carolina, and filed with said Board of~~  
21                   ~~Mortuary Science Elections subsequent to the first day of May of the~~  
22                   ~~year in which the election is to be held and not later than midnight of~~  
23                   ~~the first day of August of such year, or not later than such earlier date~~  
24                   ~~(not before July 1) as may be set by the Board of Mortuary Science~~  
25                   ~~Elections: Provided, that not less than 10 days' notice of such earlier~~  
26                   ~~date shall be given to all embalmers, funeral directors and funeral~~  
27                   ~~service licensees qualified to sign a petition of nomination.~~
- 28                   (5) ~~Any person who is nominated as provided in subdivision (4) above~~  
29                   ~~may withdraw his name by written notice delivered to the Board of~~  
30                   ~~Mortuary Science Elections or its designated secretary at any time~~  
31                   ~~prior to the closing of the polls in any election.~~
- 32                   (5a) ~~Repealed by Session Laws 1983, c. 69, s. 3.~~
- 33                   (6) ~~Following the close of nominations, there shall be prepared, under and~~  
34                   ~~in accordance with such rules and regulations as the Board of~~  
35                   ~~Mortuary Science Elections shall prescribe, ballots containing~~  
36                   ~~identification of the seats for election and, in alphabetical order, the~~  
37                   ~~names of all nominees for each seat. Each ballot shall have such~~  
38                   ~~method of identification, and such instructions and requirements~~  
39                   ~~printed thereon, as shall be prescribed by the Board of Mortuary~~  
40                   ~~Science Elections at such time as may be fixed by the Board of~~  
41                   ~~Mortuary Science Elections a ballot and a return official envelope~~  
42                   ~~addressed to said Board shall be mailed to each embalmer, funeral~~  
43                   ~~director and funeral service licensee licensed to practice in North~~  
44                   ~~Carolina, together with a notice by said Board designating the latest~~

day and hour for return mailing and containing such other items as such Board may see fit to include. The said envelope shall bear a serial number and shall have printed on the left portion of its face the following:

"Serial \_\_\_\_\_ No. \_\_\_\_\_ of \_\_\_\_\_ Envelope  
\_\_\_\_\_  
Signature \_\_\_\_\_ of \_\_\_\_\_ Voter  
\_\_\_\_\_  
Address \_\_\_\_\_ of \_\_\_\_\_ Voter  
\_\_\_\_\_

(Note: The enclosed ballot is not valid unless the signature of the voter is on this envelope)." The Board of Mortuary Science Elections may cause to be printed or stamped or written on said envelope such additional notice as it may see fit to give. No ballot shall be valid or shall be counted in an election unless within the time hereinafter provided it has been delivered to said Board by hand or by mail and shall be sealed. The said Board by rule may make provision for replacement of lost or destroyed envelopes or ballots upon making proper provisions to safeguard against abuse.

(7) The date and hour fixed by the Board of Mortuary Science Elections as the latest time for delivery by hand or mailing of said return ballots shall be not earlier than the tenth day following the mailing of the envelopes and ballots to the voters.

(8) The said ballots shall be canvassed by the Board of Mortuary Science Elections beginning at 1:00 p.m. on a day and at a place set by said Board and announced by it in the notice accompanying the sending out of the ballots and envelopes, said date to be not later than four days after the date fixed by the Board for the closing of the balloting. The canvassing shall be made publicly and any licensed embalmer, funeral director or funeral service licensee may be present. The counting of ballots shall be conducted as follows: The envelopes shall be displayed to the persons present and an opportunity shall be given to any person present to challenge the qualification of the voter whose signature appears on the envelope or to challenge the validity of the envelope. Any envelope (with enclosed ballot) challenged shall be set aside, and the challenge shall be heard later or at that time by said Board. After the envelopes have been so exhibited, those not challenged shall be opened and the ballots extracted therefrom, insofar as practicable without showing the marking on the ballots, and there shall be a final and complete separation of each envelope and its enclosed ballot. Thereafter each ballot shall be presented for counting, shall be displayed and, if not challenged, shall be counted. No ballot shall be

1           ~~valid if it is marked for more nominees than there are positions to be~~  
2           ~~filled in that election: Provided, that no ballot shall be rejected for any~~  
3           ~~technical error unless it is impossible to determine the voter's choices~~  
4           ~~or choice from the ballot. The counting of ballots shall be continued~~  
5           ~~until completed. During the counting, challenge may be made to any~~  
6           ~~ballot on the grounds only of defects appearing on the face of the~~  
7           ~~ballot. The said Board may decide the challenge immediately when it~~  
8           ~~is made or it may put aside the ballot and determine the challenge upon~~  
9           ~~the conclusion of the counting of the ballots.~~

- 10           (9) a.     ~~Election shall be determined by a majority of the votes cast. As~~  
11                   ~~used in this subdivision "category I" refers to the seat held by a~~  
12                   ~~funeral service licensee or a person holding both a funeral~~  
13                   ~~director's license and an embalmer's license, and "category II"~~  
14                   ~~refers to the seat held by a funeral director or a funeral service~~  
15                   ~~licensee. A majority shall be determined:~~
- 16                   1.     ~~In an election to fill one seat in category I and one seat in~~  
17                           ~~category II, and if there are two or more candidates for a~~  
18                           ~~category, the majority shall be determined by dividing~~  
19                           ~~the total vote cast for all candidates in the category by~~  
20                           ~~two. An excess of the sum so ascertained shall be a~~  
21                           ~~majority.~~
  - 22                   2.     ~~In an election to fill two seats in the same category, and~~  
23                           ~~if there are more than two candidates, the majority shall~~  
24                           ~~be determined by dividing the total vote cast for all~~  
25                           ~~candidates by two and by dividing the result by two. Any~~  
26                           ~~excess of the sum so ascertained shall be a majority. If~~  
27                           ~~more than two candidates obtain a majority the two~~  
28                           ~~having the highest vote shall be declared elected.~~
- 29           b.     ~~If there is a failure to obtain a majority of the votes cast for any~~  
30                   ~~seat the following procedures shall apply:~~
- 31                   1.     ~~In an election to fill one seat in category I and one seat in~~  
32                           ~~category II, and if no candidate receives a majority in a~~  
33                           ~~category, the candidate receiving the highest number of~~  
34                           ~~votes in that category shall be declared elected unless the~~  
35                           ~~candidate receiving the second highest number of votes,~~  
36                           ~~within 10 days of having been notified by the Board of~~  
37                           ~~the vote total, shall request a second election. In the~~  
38                           ~~second election, the names of the candidates who~~  
39                           ~~received the highest and the next highest number of~~  
40                           ~~votes shall appear on the ballot.~~
  - 41                   2.     ~~In an election to fill two seats in the same category, and~~  
42                           ~~if no candidate receives a majority, the two candidates~~  
43                           ~~receiving the highest number of votes shall be declared~~  
44                           ~~elected unless the candidate receiving the next highest~~



1 number of votes, within 10 days of having been notified  
2 by the Board of the vote total, shall request a second  
3 election. In the second election the names of the two  
4 candidates who received the highest number of votes in  
5 the first election and the name of the candidate who  
6 received the next highest number of votes shall appear  
7 on the ballot, and the two candidates who receive the  
8 highest number of votes in the second election shall be  
9 declared elected. If in the first election only one  
10 candidate fails to receive a majority, the candidate  
11 receiving the highest number of votes, but not a majority,  
12 shall be declared elected unless the candidate receiving  
13 the next highest number of votes, within 10 days of  
14 having been notified by the Board of the vote total, shall  
15 request a second election. In the second election the  
16 name of the candidate who received the highest number  
17 of votes, but not a majority, in the first election and the  
18 name of the candidate who received the next highest  
19 number of votes shall appear on the ballot, and the  
20 candidate who receives the higher number of votes in the  
21 second election shall be declared elected.

22 e. In any election if there is a tie between candidates the tie shall  
23 be resolved by a vote of the Board, provided that if a member of  
24 the Board is one of the candidates in the tie he may not  
25 participate in such vote.

26 (10) In the event there shall be required a second election, there shall be  
27 followed the same procedure as outlined in the paragraphs above  
28 subject to the same limitations and requirements.

29 (11) In the case of the death or withdrawal of a candidate prior to the  
30 closing of the polls in any election, he shall be eliminated from the  
31 contest and any votes cast for him shall be disregarded. If, at any time  
32 after the closing of the period for nominations, because of lack of  
33 plural or proper nominations, or death, or withdrawal, or  
34 disqualification or any other reason, there shall be (i) only one  
35 candidate for a position, he shall be declared elected by the Board of  
36 Mortuary Science Elections, or (ii) no candidate for a position, the  
37 position shall be filled by the State Board of Mortuary Science. In the  
38 event of the death or withdrawal of a candidate after election but  
39 before taking office, the position to which he was elected shall be  
40 filled by the State Board of Mortuary Science. In the event of the death  
41 or resignation of a member of the State Board of Mortuary Science,  
42 after taking office, his position shall be filled for the unexpired term by  
43 the State Board of Mortuary Science.

1           (12) ~~An official list of all licensed embalmers, funeral directors and funeral~~  
2 ~~service licensees shall be kept at an office of the Board of Mortuary~~  
3 ~~Science Elections and shall be open to the inspection of any person at~~  
4 ~~all times. Copies may be made by any licensed embalmer, funeral~~  
5 ~~director or funeral service licensee. As soon as the voting in any~~  
6 ~~election begins, a list of the licensed embalmers, funeral directors, and~~  
7 ~~funeral service licensees shall be posted in such office of said Board~~  
8 ~~and indication by mark or otherwise shall be made on that list to show~~  
9 ~~whether a ballot enclosing envelope has been returned.~~

10           (13) ~~All envelopes enclosing ballots and all ballots shall be preserved and~~  
11 ~~held separately by the Board of Mortuary Science Elections for a~~  
12 ~~period of six months following the close of an election.~~

13           (14) ~~From any decision of the Board of Mortuary Science Elections relative~~  
14 ~~to the conduct of such elections, appeal may be taken to the courts in~~  
15 ~~the manner otherwise provided by Chapter 150B of the General~~  
16 ~~Statutes of North Carolina.~~

17           (15) ~~The Board of Mortuary Science Elections is authorized to make rules~~  
18 ~~and regulations relative to the conduct of these elections, provided~~  
19 ~~same are not in conflict with the provisions of this section and~~  
20 ~~provided that notice shall be given to all licensed embalmers, funeral~~  
21 ~~directors, and funeral service licensees.~~

22           ~~(d) The Board of Mortuary Science Elections is authorized to appoint such~~  
23 ~~secretary or secretaries and/or assistant secretary or assistant secretaries to perform such~~  
24 ~~functions in connection with such nominations and elections as said Board shall~~  
25 ~~determine, provided that any protestant or contestant shall have the right to a hearing by~~  
26 ~~said Board in connection with any challenge of a voter, or an envelope, or a ballot or the~~  
27 ~~counting of an election. Said Board is authorized to designate an office or offices for the~~  
28 ~~keeping of lists of registered embalmers, funeral directors and funeral service licensees,~~  
29 ~~for the issuance and receipt of envelopes and ballots."~~

30           **SECTION 4.2.(b)** G.S. 90-210.22 reads as rewritten:

31           "**§ 90-210.22. Required meetings of the Board.**

32           The Board shall hold at least two meetings in each year at which examinations shall  
33 be given to qualified applicants for licenses. In addition, the Board ~~may meet as often as~~  
34 shall meet monthly for the proper and efficient discharge of its ~~duties shall~~  
35 require duties. Five members shall constitute a quorum."

36           **SECTION 4.2.(c)** G.S. 90-210.23(b) reads as rewritten:

37           "(b) The Board shall elect from its members a president, a vice-president chair, a  
38 vice-chair, and a secretary, no two offices to be held by the same person. The ~~president~~  
39 ~~and vice-president chair and vice-chair~~ and secretary shall serve for one year and until  
40 their successors shall be elected and qualify. The Board shall have authority to engage  
41 adequate staff as deemed necessary to perform its duties."

42           **SECTION 4.2.(d)** G.S. 90-210.25(a1) reads as rewritten:

43           "(a1) Inactive Licenses. – Any person holding a license issued by the Board for  
44 funeral directing, for embalming, or for the practice of funeral service may apply for an

1 inactive license in the same category as the active license held. The inactive license is  
2 renewable annually. Continuing education is not required for the renewal of an inactive  
3 license. ~~The only activity that a holder of an inactive license may engage in is to vote~~  
4 ~~pursuant to G.S. 90-210.18(e)(2).~~ The holder of an inactive license may apply for an  
5 active license in the same category, and the Board shall issue an active license if the  
6 applicant has completed in North Carolina a total number of hours of accredited  
7 continuing education equal to five times the number of years the applicant held the  
8 inactive license. No application fee is required for the reinstatement of an active license  
9 pursuant to this subsection. The holder of an inactive license who returns to active status  
10 shall surrender the inactive license to the Board."

11 **SECTION 4.2.(e)** Notwithstanding any other provision of law, Mr. George  
12 Parrott's appointment to and term of office on the Board of Mortuary Science shall be as  
13 set forth in Section 3.3 of this act, despite the reconstitution of the Board of Mortuary  
14 Science as set forth in Section 4.2(a) of this act. Mr. Parrott's appointment to and term  
15 of office on the Board shall be that of the member appointed by the General Assembly  
16 upon the recommendation of the Speaker of the House of Representatives for the initial  
17 three-year term, as set forth in G.S. 90-210.18(b) as amended by Section 4.2(a) of this  
18 act when effective.

19 **SECTION 4.2.(f)** Beginning January 1, 2004, the Board of Mortuary  
20 Science shall report to the Joint Commission on Governmental Operations annually  
21 regarding its activities.

22 **SECTION 4.2.(g)** Sections 4.2(a) and 4.2(b) of this section become effective  
23 July 1, 2003. The remainder of this section is effective when it becomes law.

24  
25 --NORTH CAROLINA REAL ESTATE COMMISSION

26 **SECTION 4.3.** G.S. 93A-3(a) reads as rewritten:

27 "(a) There is hereby created the North Carolina Real Estate Commission,  
28 hereinafter called the Commission. The Commission shall consist of ~~nine~~ eleven  
29 members, seven members to be appointed by the Governor, ~~one member~~ two members  
30 to be appointed by the General Assembly upon the recommendation of the President Pro  
31 Tempore of the Senate in accordance with G.S. 120-121, and ~~one member~~ two members  
32 to be appointed by the General Assembly upon the recommendation of the Speaker of  
33 the House of Representatives in accordance with G.S. 120-121. At least three members  
34 of the Commission shall be licensed real estate brokers or real estate salespersons. At  
35 least two members of the Commission shall be persons who are not involved directly or  
36 indirectly in the real estate or real estate appraisal business. Members of the  
37 Commission shall serve three-year terms, so staggered that the terms of three members  
38 expire in one year, the terms of three members expire in the next year, and the terms of  
39 three members expire in the third year of each three-year period. The members of the  
40 Commission shall elect one of their members to serve as chairman of the Commission  
41 for a term of one year. The Governor may remove any member of the Commission for  
42 misconduct, incompetency, or willful neglect of duty. The Governor shall have the  
43 power to fill all vacancies occurring on the Commission, except vacancies in legislative  
44 appointments shall be filled under G.S. 120-122."

1  
2 --NORTH CAROLINA APPRAISAL BOARD

3 **SECTION 4.4.** G.S. 93E-1-5(a) reads as rewritten:

4 "(a) There is created the North Carolina Appraisal Board for the purposes set forth  
5 in this Chapter. The Board shall consist of ~~seven~~nine members. The Governor shall  
6 appoint five members of the Board, and the General Assembly shall appoint ~~two~~four  
7 members in accordance with G.S. 120-121, ~~one~~two upon the recommendation of the  
8 President Pro Tempore of the Senate and ~~one~~two upon the recommendation of the  
9 Speaker of the House of Representatives. Members appointed by the Governor shall be  
10 appointed from geographically diverse areas of the State. The ~~appointee~~appointees  
11 recommended by the Speaker of the House of Representatives and the appointees of the  
12 Governor shall be persons who have been engaged in the business of real estate  
13 appraising in this State for at least five years immediately preceding their appointment  
14 and are also State-licensed or State-certified real estate appraisers. No more than three  
15 of the appointees may be members of the same appraiser trade organization at any one  
16 time. The ~~appointee~~appointees recommended by the President Pro Tempore of the  
17 Senate shall be ~~a person~~persons not involved directly or indirectly in the real estate, real  
18 estate appraisal, or the real estate lending industry. Members of the Board shall serve  
19 three-year terms, so staggered that the terms of three members expire in one year, the  
20 terms of two members expire in the next year, and the terms of two members expire in  
21 the third year of each three-year period. The members of the Board shall elect one of  
22 their members to serve as chairman of the Board for a term of one year. The Governor  
23 may remove any member of the Board appointed by the Governor for misconduct,  
24 incompetency, or neglect of duty. The General Assembly may remove any member  
25 appointed by it for the same reasons. Successors shall be appointed by the appointing  
26 authority making the original appointment. All vacancies occurring on the Board shall  
27 be filled, for the unexpired term, by the appointing authority making the original  
28 appointment. Vacancies in appointments made by the General Assembly shall be filled  
29 in accordance with G.S. 120-122. Initial terms of office commenced July 1, 1994."

30  
31 --STRUCTURAL PEST CONTROL COMMITTEE

32 **SECTION 4.5.** G.S. 106-65.23(c) reads as rewritten:

33 "(c) There is hereby created a Structural Pest Control Committee to be composed  
34 of the following members. The Commissioner shall appoint one member of the  
35 Committee who is not in the structural pest control business for a four-year term. The  
36 Commissioner of Agriculture shall designate an employee of the Department of  
37 Agriculture and Consumer Services to serve on the Committee at the pleasure of the  
38 Commissioner. The dean of the School of Agriculture of North Carolina State  
39 University at Raleigh shall appoint one member of the Committee who shall serve for  
40 one term of two years and who shall be a member of the entomology faculty of the  
41 University. The vacancy occurring on the Committee by the expired term of the member  
42 from the entomology faculty of the University shall be filled by the dean of the School  
43 of Agriculture of North Carolina State University at Raleigh who shall designate any  
44 person of the dean's choice from the entomology faculty of the University to serve on

1 the Committee at the pleasure of the dean. The Secretary of Health and Human Services  
2 shall appoint one member of the Committee who shall be an epidemiologist and who  
3 shall serve at the pleasure of the Secretary. The Governor shall appoint two members of  
4 the Committee who are actively engaged in the pest control industry, who are licensed  
5 in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and  
6 who are residents of the State of North Carolina but not affiliates of the same company.

7 The Governor's initial appointees from the pest control industry shall be appointed as  
8 follows: one for a two-year term and one for a three-year term. The Governor shall  
9 appoint one member of the Committee who is a public member and who is unaffiliated  
10 with the structural pest control industry, the pesticide industry, the Department of  
11 Agriculture and Consumer Services, the Department of Health and Human Services and  
12 the School of Agriculture at North Carolina State University at Raleigh. The initial  
13 public member shall be appointed for a term of two years, commencing July 1, 1991.  
14 After the initial appointments by the Governor, all ensuing appointments by the  
15 Governor shall be for terms of four years. Any vacancy occurring on the Committee by  
16 reason of death, resignation, or otherwise shall be filled by the Governor or the  
17 Commissioner of Agriculture, as the case may be, for the unexpired term of the member  
18 whose seat is vacant.

19 ~~One member~~ Two members of the Committee shall be appointed by the General  
20 Assembly upon the recommendation of the Speaker of the House of Representatives in  
21 accordance with G.S. 120-121, and ~~one member~~ two members of the Committee shall be  
22 appointed by the General Assembly upon the recommendation of the President Pro  
23 Tempore of the Senate in accordance with G.S. 120-121. The ~~member~~ members  
24 appointed by the General Assembly upon the recommendation of the Speaker of the  
25 House of Representatives shall be actively engaged in the pest control industry, licensed  
26 in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and  
27 ~~a resident~~ residents of the State of North Carolina but not ~~an affiliate~~ affiliates of the  
28 same company as either of the two members from the industry appointed by the  
29 Governor. Appointments made by the General Assembly shall be for terms of four  
30 years. Vacancies in such appointments shall be filled in accordance with G.S. 120-122."  
31

32 --CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

33 **SECTION 4.6.(a)** G.S. 113-145.5 reads as rewritten:

34 "**§ 113-145.5. Clean Water Management Trust Fund: Board of Trustees**  
35 **established; membership qualifications; vacancies; meetings and meeting**  
36 **facilities.**

37 (a) Board of Trustees Established. – There is established the Clean Water  
38 Management Trust Fund Board of Trustees. The Clean Water Management Trust Fund  
39 Board of Trustees shall be ~~independent, but for administrative purposes shall be~~  
40 administratively located under within the Department of Environment and Natural  
41 Resources. Resources but shall be independent of the Department.

42 (b) Membership. – The Clean Water Management Trust Fund Board of Trustees  
43 shall be composed of 18 ~~members. Six members shall be appointed by the Governor, six~~  
44 ~~by the General Assembly upon the recommendation of the President Pro Tempore of the~~

1 ~~Senate in accordance with G.S. 120-121, and six by the General Assembly upon the~~  
2 ~~recommendation of the Speaker of the House of Representatives in accordance with~~  
3 ~~G.S. 120-121. members appointed to four-year terms as follows:~~

- 4       (1) One member appointed by the Governor to a term that expires on 1  
5       July of years that precede by one year those years that are evenly  
6       divisible by four.
- 7       (2) One member appointed by the Governor to a term that expires on 1  
8       July of years that precede by one year those years that are evenly  
9       divisible by four.
- 10      (3) One member appointed by the Governor to a term that expires on 1  
11      July of years that are evenly divisible by four.
- 12      (4) One member appointed by the Governor to a term that expires on 1  
13      July of years that are evenly divisible by four.
- 14      (5) One member appointed by the Governor to a term that expires on 1  
15      July of years that follow by one year those years that are evenly  
16      divisible by four.
- 17      (6) One member appointed by the Governor to a term that expires on 1  
18      July of years that follow by two years those years that are evenly  
19      divisible by four.
- 20      (7) One member appointed by the General Assembly upon the  
21      recommendation of the President Pro Tempore of the Senate to a term  
22      that expires on 1 July of years that precede by one year those years that  
23      are evenly divisible by four.
- 24      (8) One member appointed by the General Assembly upon the  
25      recommendation of the President Pro Tempore of the Senate to a term  
26      that expires on 1 July of years that are evenly divisible by four.
- 27      (9) One member appointed by the General Assembly upon the  
28      recommendation of the President Pro Tempore of the Senate to a term  
29      that expires on 1 July of years that follow by one year those years that  
30      are evenly divisible by four.
- 31      (10) One member appointed by the General Assembly upon the  
32      recommendation of the President Pro Tempore of the Senate to a term  
33      that expires on 1 July of years that follow by one year those years that  
34      are evenly divisible by four.
- 35      (11) One member appointed by the General Assembly upon the  
36      recommendation of the President Pro Tempore of the Senate on 1 July  
37      of years that follow by two years those years that are evenly divisible  
38      by four.
- 39      (12) One member appointed by the General Assembly upon the  
40      recommendation of the President Pro Tempore of the Senate on 1 July  
41      of years that follow by two years those years that are evenly divisible  
42      by four.
- 43      (13) One member appointed by the General Assembly upon the  
44      recommendation of the Speaker of the House of Representatives to a

1 term that expires on 1 July of years that precede by one year those  
2 years that are evenly divisible by four.

3 (14) One member appointed by the General Assembly upon the  
4 recommendation of the Speaker of the House of Representatives to a  
5 term that expires on 1 July of years that precede by one year those  
6 years that are evenly divisible by four.

7 (15) One member appointed by the General Assembly upon the  
8 recommendation of the Speaker of the House of Representatives to a  
9 term that expires on 1 July of years that are evenly divisible by four.

10 (16) One member appointed by the General Assembly upon the  
11 recommendation of the Speaker of the House of Representatives to a  
12 term that expires on 1 July of years that follow by one year those years  
13 that are evenly divisible by four.

14 (17) One member appointed by the General Assembly upon the  
15 recommendation of the Speaker of the House of Representatives to a  
16 term that expires on 1 July of years that follow by one year those years  
17 that are evenly divisible by four.

18 (18) One member appointed by the General Assembly upon the  
19 recommendation of the Speaker of the House of Representatives on 1  
20 July of years that follow by two years those years that are evenly  
21 divisible by four.

22 (c) Qualifications. – The office of Trustee is declared to be an office that may be  
23 held concurrently with any other executive or appointive office, under the authority of  
24 Article VI, Section 9, of the North Carolina Constitution. Persons appointed shall be  
25 knowledgeable in one of the following areas:

- 26 (1) Acquisition and management of natural areas.  
27 (2) Conservation and restoration of water quality.  
28 (3) Wildlife and fisheries habitats and resources.  
29 (4) Environmental management.

30 (c) ~~Initial Appointments. Chair.~~ – ~~Each appointing officer shall designate two of~~  
31 ~~the officer's initial appointments to serve two year terms, two to serve four year terms,~~  
32 ~~and two to serve six year terms. Thereafter, all appointments shall be for four years,~~  
33 ~~subject to reappointment. All initial appointments shall be made on or before January 1,~~  
34 ~~1997. The Governor shall appoint one Trustee member to serve as Chair of the~~  
35 ~~Board. Board of Trustees.~~

36 (d) ~~Vacancies.~~ – ~~If a vacancy occurs, other than by the expiration of term, of a~~  
37 ~~member subject to appointment by the General Assembly upon the recommendation of~~  
38 ~~the Speaker of the House of Representatives or the President Pro Tempore of the~~  
39 ~~Senate, the vacancy shall be filled in accordance with G.S. 120-122. All other vacancies~~  
40 ~~shall be filled by the appointing official in the original manner. An appointment to fill a~~  
41 vacancy on the Board of Trustees created by the resignation, removal, disability, or  
42 death of a member shall be for the balance of the unexpired term. Vacancies in  
43 appointments made by the General Assembly shall be as provided in G.S. 120-122.

1 (e) Frequency of Meetings. – The Board of Trustees shall meet at least twice  
2 each year and may hold special meetings at the call of the Chair or a majority of the  
3 members.

4 (f) Per Diem and Expenses. –~~The Trustees~~ Each member shall receive per diem  
5 and necessary travel and subsistence expenses in accordance with the provisions of G.S.  
6 138-5. Per diem, subsistence, and travel expenses of the Trustees shall be paid from the  
7 Fund.

8 (g) Meeting Facilities. – The Secretary of Environment and Natural Resources  
9 shall provide meeting facilities for the Board of Trustees and its staff as requested by  
10 the Chair."

11 **SECTION 4.6.(b)** In order to alter the schedule of staggered terms of four  
12 years for the Board of Trustees of the Clean Water Management Trust Fund so that, as  
13 nearly as possible, the same number of terms will expire each year and to provide for an  
14 orderly transition in membership of the Board of Trustees to the terms specified in G.S.  
15 113-145.5, as amended by Section 4.6(a) of this act, the following provisions shall  
16 apply:

- 17 (1) William McPhatter, Sr. shall serve in the position established by G.S.  
18 113-145.5(b)(1) through 1 July 2003.
- 19 (2) Joseph M. Hester, Jr. shall serve in the position established by G.S.  
20 113-145.5(b)(2) through 1 July 2003.
- 21 (3) John McMillan shall serve in the position established by G.S.  
22 113-145.5(b)(3) through 1 July 2004.
- 23 (4) Caroline B. Ansbacher shall serve in the position established by G.S.  
24 113-145.5(b)(4) through 1 July 2004.
- 25 (5) Leland McKinley Simmons shall serve in the position established by  
26 G.S. 113-145.5(b)(5) through 1 July 2005.
- 27 (6) Edwin G. Wilson, Jr. shall serve in the position established by G.S.  
28 113-145.5(b)(6) through 1 July 2006.
- 29 (7) Jerry W. Wright shall serve in the position established by G.S.  
30 113-145.5(b)(7) through 1 July 2003.
- 31 (8) Johnnie Mosley shall serve in the position established by G.S.  
32 113-145.5(b)(8) through 1 July 2004, to fill the unexpired term of  
33 Allen Maynard Hardison.
- 34 (9) William E. Hollan, Jr. shall serve in the position established by G.S.  
35 113-145.5(b)(9) through 1 July 2005.
- 36 (10) Dickson Mclean, Jr. shall serve in the position established by G.S.  
37 113-145.5(b)(10) through 1 July 2005.
- 38 (11) Claudette Weston shall serve in the position established by G.S.  
39 113-145.5(b)(11) through 1 July 2006.
- 40 (12) William J. Brooks, III shall serve in the position established by G.S.  
41 113-145.5(b)(12) through 1 July 2006.
- 42 (13) Karen Cragolin shall serve in the position established by G.S.  
43 113-145.5(b)(13) through 1 July 2003.



- 1 (14) Allen Holt Gwyn shall serve in the position established by G.S.  
2 113-145.5(b)(14) through 1 July 2003.
- 3 (15) C. Leroy Smith shall serve in the position established by G.S.  
4 113-145.5(b)(15) through 1 July 2004.
- 5 (16) Charles R. Wakild shall serve in the position established by G.S.  
6 113-145.5(b)(16) through 1 July 2005.
- 7 (17) Robert Dare Howard shall serve in the position established by G.S.  
8 113-145.5(b)(17) through 1 July 2005.
- 9 (18) Margaret B. Markey shall serve in the position established by G.S.  
10 113-145.5(b)(18) through 1 July 2006.

11  
12 --TASK FORCE ON SCHOOL-BASED MANAGEMENT ABOLISHED

13 **SECTION 4.7.** G.S. 115C-105.31 is repealed.

14  
15 --JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY

16 **SECTION 4.8.(a)** G.S. 120-232(a) reads as rewritten:

17 "(a) The Committee shall consist of ~~16~~18 members as follows:

- 18 (1) Five members of the Senate at the time of their appointment, appointed  
19 by the President Pro Tempore of the Senate.
- 20 (2) Five members of the House of Representatives at the time of their  
21 appointment, appointed by the Speaker of the House of  
22 Representatives.
- 23 (3) ~~Three~~Four members of the public, appointed by the President Pro  
24 Tempore of the Senate.
- 25 (4) ~~Three~~Four members of the public, appointed by the Speaker of the  
26 House of Representatives."

27 **SECTION 4.8.(b)** G.S. 120-232(b) reads as rewritten:

28 "(b) Members of the Committee shall serve terms of two years beginning on  
29 ~~August 15 of each odd-numbered year,~~August 15, with no prohibition against being  
30 reappointed, except initial appointments shall be for terms as follows:

- 31 (1) The public members shall serve terms of three years.
- 32 (2) The members who are members of the General Assembly shall serve  
33 terms of two years.

34 Initial terms shall commence on August 15, 1999."

35  
36 --STATE BUILDING COMMISSION

37 **SECTION 4.9.** G.S. 143-135.25(c) reads as rewritten:

38 "(c) The Commission shall consist of ~~nine~~eleven members qualified and  
39 appointed as follows:

- 40 (1) A licensed architect whose primary practice is or was in the design of  
41 buildings, chosen from among not more than three persons nominated  
42 by the North Carolina Chapter of the American Institute of Architects,  
43 appointed by the Governor.

- 1 (2) A registered engineer whose primary practice is or was in the design of  
2 engineering systems for buildings, chosen from among not more than  
3 three persons nominated by the Consulting Engineers Council and the  
4 Professional Engineers of North Carolina, appointed by the General  
5 Assembly upon the recommendation of the President Pro Tempore of  
6 the Senate in accordance with G.S. 120-121.
- 7 (3) A licensed building contractor whose primary business is or was in the  
8 construction of buildings, or an employee of a company holding a  
9 general contractor's license, chosen from among not more than three  
10 persons nominated by the Carolinas AGC (Associated General  
11 Contractors), appointed by the General Assembly upon the  
12 recommendation of the Speaker of the House of Representatives in  
13 accordance with G.S. 120-121.
- 14 (4) A licensed electrical contractor whose primary business is or was in  
15 the installation of electrical systems for buildings, chosen from among  
16 not more than three persons nominated by the North Carolina  
17 Association of Electrical Contractors, and the Carolinas Electrical  
18 Contractors' Association, appointed by the Governor.
- 19 (5) ~~A public member~~ Two public members appointed by the General  
20 Assembly upon the recommendation of the President Pro Tempore of  
21 the Senate in accordance with G.S. 120-121.
- 22 (5a) One public member appointed by the General Assembly upon the  
23 recommendation of the Speaker of the House of Representatives in  
24 accordance with G.S. 120-121.
- 25 (6) A licensed mechanical contractor whose primary business is or was in  
26 the installation of mechanical systems for buildings, chosen from  
27 among not more than three persons nominated by the North Carolina  
28 Association of Plumbing, Heating, Cooling Contractors, appointed by  
29 the General Assembly upon the recommendation of the Speaker of the  
30 House of Representatives in accordance with G.S. 120-121.
- 31 (7) An employee of the university system currently involved in the capital  
32 facilities development process, chosen from among not more than  
33 three persons nominated by the Board of Governors of The University  
34 of North Carolina, appointed by the Governor.
- 35 (8) A public member who is knowledgeable in the building construction  
36 or building maintenance area, appointed by the General Assembly  
37 upon the recommendation of the President Pro Tempore of the Senate  
38 in accordance with G.S. 120-121.
- 39 (9) A representative of local government, chosen from among not more  
40 than two persons nominated by the North Carolina Association of  
41 County Commissioners and two persons nominated by the North  
42 Carolina League of Municipalities, appointed by the General  
43 Assembly upon recommendation of the Speaker of the House of  
44 Representatives in accordance with G.S. 120-121.

1 The members shall be appointed for staggered three-year terms: The initial  
2 appointments to the Commission shall be made within 15 days of the effective date of  
3 this act [April 14, 1987]. The initial terms of members appointed pursuant to  
4 subdivisions (1), (2), and (3) shall expire June 30, 1990; the initial terms of members  
5 appointed pursuant to (4), (5), and (6) shall expire June 30, 1989; and the initial terms of  
6 members appointed pursuant to (7), (8), and (9) shall expire June 30, 1988. Members  
7 may serve no more than six consecutive years. In making new appointments or filling  
8 vacancies, the Governor shall ensure that minorities and women are represented on the  
9 Commission.

10 Vacancies in appointments made by the Governor shall be filled by the Governor for  
11 the remainder of the unexpired terms. Vacancies in appointments made by the General  
12 Assembly shall be filled in accordance with G.S. 120-122. Persons appointed to fill  
13 vacancies shall qualify in the same manner as persons appointed for full terms.

14 The chairman of the Commission shall be elected by the Commission. The Secretary  
15 of State shall serve as chairman until a chairman is elected."

16  
17 --NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

18 **SECTION 4.10.(a)** G.S. 143-240(a) reads as rewritten:

19 "(a) There is hereby created the Wildlife Resources Commission of the  
20 Department of Environment and Natural Resources which shall consist of ~~19~~21 citizens  
21 of North Carolina who shall be appointed as is provided in G.S. 143-241.

22 Each member of the Commission shall be an experienced hunter, fisherman, farmer,  
23 or biologist, who shall be generally informed on wildlife conservation and restoration  
24 problems.

25 Members of the Commission shall receive per diem and necessary travel and  
26 subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6 as  
27 the case may be, which shall be paid from fees collected by the Wildlife Resources  
28 Commission."

29 **SECTION 4.10.(b)** G.S. 143-241 reads as rewritten:

30 **"§ 143-241. Appointment and terms of office of Commission members; filling of**  
31 **vacancies.**

32 The members of the North Carolina Wildlife Resources Commission shall be  
33 appointed as follows:

34 The Governor shall appoint one member each from the first, fourth, and seventh  
35 wildlife districts to serve six-year terms;

36 The Governor shall appoint one member each from the second, fifth, and eighth  
37 wildlife districts to serve two-year terms;

38 The Governor shall appoint one member each from the third, sixth, and ninth  
39 wildlife districts to serve four-year terms;

40 The Governor shall also appoint two at-large members to serve four-year terms.

41 The General Assembly shall appoint ~~eight~~10 members of the Commission to serve  
42 two-year terms, ~~four~~five upon the recommendation of the Speaker of the House, ~~four~~  
43 five upon the recommendation of the President Pro Tempore of the Senate, in  
44 accordance with G.S. 120-121. Of the members appointed upon the recommendation of

1 the Speaker of the House and upon the recommendation of the President Pro Tempore  
2 of the Senate, at least one of each shall be a member of the political party to which the  
3 largest minority of the members of the General Assembly belongs.

4 Thereafter as the terms of office of the members of the Commission appointed by  
5 the Governor from the several wildlife districts expire, their successors shall be  
6 appointed for terms of six years each. As the terms of office of the members of the  
7 Commission appointed by the General Assembly expire, their successors shall be  
8 appointed for terms of two years each. All members appointed by the Governor serve at  
9 the pleasure of the Governor that appointed them and they may be removed by that  
10 Governor at any time. A successor to the appointing Governor may remove a  
11 Commission member only for cause as provided in G.S. 143B-13. Members appointed  
12 by the General Assembly serve at the pleasure of that body and may be removed by law  
13 at any time. In the event that a Commission member is removed, the member appointed  
14 to replace the removed member shall serve only for the unexpired term of the removed  
15 member."

16  
17 --SOIL AND WATER CONSERVATION COMMISSION

18 **SECTION 4.11.** G.S. 143B-295 reads as rewritten:

19 **"§ 143B-295. Soil and Water Conservation Commission – members; selection;  
20 removal; compensation; quorum; services.**

21 The Soil and Water Conservation Commission of the Department of Environment  
22 and Natural Resources shall be composed of seven members appointed by the  
23 Governor. The Commission shall be composed of the following members:

- 24 (1) The president, first vice-president, and immediate past president of the  
25 North Carolina Association of Soil and Water Conservation Districts.  
26 Vacancies arising in any of these positions shall be filled through  
27 appointment by the Governor upon the nomination by the executive  
28 committee of the North Carolina Association of Soil and Water  
29 Conservation Districts;
- 30 (2) Three supervisor members nominated by the North Carolina  
31 Association of Soil and Water Conservation Districts from its own  
32 membership representing the three major geographical regions of the  
33 State and appointed by the Governor;
- 34 (3) One member appointed at large by the Governor.

35 The initial members of the Commission shall be the members of the Soil  
36 Conservation Committee who shall serve for a period equal to the remainder of their  
37 current terms on the Soil Conservation Committee. At the end of the respective terms of  
38 office of the initial members of the Commission, their successors, except those members  
39 serving in an ex officio capacity, shall be appointed for terms of three years and until  
40 their successors are appointed and qualified. Any appointment to fill a vacancy on the  
41 Commission created by the resignation, dismissal, death or disability of a member shall  
42 be for the balance of the unexpired term.

1 The Governor shall have the power to remove any member of the Commission from  
2 office for misfeasance, malfeasance, and nonfeasance according to the provisions of  
3 G.S. 143B-13 of the Executive Organization Act of 1973.

4 Membership on the Soil and Water Conservation Commission is hereby declared to  
5 be an office that may be held concurrently with other elective or appointive offices in  
6 addition to the maximum number of offices permitted to be held by one person under  
7 G.S. 128-1.1.

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 and Natural Resources."

14  
15 --NORTH CAROLINA PARKS AND RECREATION AUTHORITY

16 **SECTION 4.12.** G.S. 143B-313.2(a) reads as rewritten:

17 "(a) Membership. – The North Carolina Parks and Recreation Authority shall  
18 consist of ~~14~~13 members. The members shall include persons who are knowledgeable  
19 about park and recreation issues in North Carolina or with expertise in finance. In  
20 making appointments, each appointing authority shall specify under which subdivision  
21 of this subsection the person is appointed. Members shall be appointed as follows:

22 (1) One member appointed by the Governor.

23 (2) One member appointed by the Governor.

24 (3) One member appointed by the Governor.

25 (4) One member appointed by the General Assembly upon the  
26 recommendation of the Speaker of the House of Representatives, as  
27 provided in G.S. 120-121.

28 (5) One member appointed by the General Assembly upon the  
29 recommendation of the Speaker of the House of Representatives, as  
30 provided in G.S. 120-121.

31 (6) One member appointed by the General Assembly upon the  
32 recommendation of the Speaker of the House of Representatives, as  
33 provided in G.S. 120-121.

34 (7) One member appointed by the General Assembly upon the  
35 recommendation of the Speaker of the House of Representatives, as  
36 provided in G.S. 120-121.

37 (8) One member appointed by the General Assembly upon the  
38 recommendation of the President Pro Tempore of the Senate, as  
39 provided in G.S. 120-121.

40 (9) One member appointed by the General Assembly upon the  
41 recommendation of the President Pro Tempore of the Senate, as  
42 provided in G.S. 120-121.

1 (10) ~~One member~~Two members appointed by the General Assembly upon  
2 the recommendation of the President Pro Tempore of the Senate, as  
3 provided in G.S. 120-121.

4 (11) ~~One member~~Two members appointed by the General Assembly upon  
5 the recommendation of the President Pro Tempore of the Senate, as  
6 provided in G.S. 120-121."  
7

8 --GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH  
9 ABOLISHED

10 **SECTION 4.13.** Part 17 of Article 9 of Chapter 143B of the General Statutes  
11 is repealed.  
12

13 --ECONOMIC DEVELOPMENT BOARD

14 **SECTION 4.14.** 143B-434(b) reads as rewritten:

15 "(b) Membership. – The Economic Development Board shall consist of ~~37~~38  
16 members. The Secretary of Commerce shall serve ex officio as a member and as the  
17 secretary of the Economic Development Board. The Secretary of Revenue shall serve as  
18 an ex officio, nonvoting member. Four members of the House of Representatives  
19 appointed by the Speaker of the House of Representatives, four members of the Senate  
20 appointed by the President Pro Tempore of the Senate, the President of The University  
21 of North Carolina, or designee, the President of the North Carolina Community College  
22 System, or designee, the Secretary of State, and the President of the Senate (or the  
23 designee of the President of the Senate), shall serve as members of the Board. The  
24 Governor shall appoint the remaining ~~23~~24 members of the Board. ~~Effective with the~~  
25 ~~terms beginning July 1, 1997, one of~~ Of the Governor's appointees ~~appointees, one~~ shall  
26 be a representative of a nonprofit organization involved in economic ~~development~~  
27 ~~and development~~, ~~two of the Governor's appointees~~ shall be county economic  
28 development ~~representatives~~ representatives, and ~~one shall be the president of the North~~  
29 Carolina Economic Developers' Association, who shall serve ex officio. The Governor  
30 shall designate a chair and a vice-chair from among the members of the Board.  
31 ~~Appointments~~ All appointments to the Board ~~made by the Governor for terms beginning~~  
32 ~~July 1, 1997, and appointments to the Board made by the Speaker of the House of~~  
33 ~~Representatives and the President Pro Tempore of the Senate for terms beginning July~~  
34 ~~9, 1993,~~ should reflect the ethnic and gender diversity of the State as nearly as practical.

35 ~~The initial appointments to the Board shall be for terms beginning on July 9, 1993.~~  
36 ~~Of the initial appointments made by the Governor, the terms shall expire July 1, 1997.~~  
37 ~~Of the initial appointments made by the Speaker of the House of Representatives and by~~  
38 ~~the President Pro Tempore of the Senate two appointments of each shall be designated~~  
39 ~~to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter,~~  
40 ~~all~~ All appointments shall be for a term of four years.

41 The appointing officer shall make a replacement appointment to serve for the  
42 unexpired term in the case of a vacancy.

43 The members of the Economic Development Board shall receive per diem and  
44 necessary travel and subsistence expenses payable to members of State Boards and

1 agencies generally pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The  
2 members of the Economic Development Board who are members of the General  
3 Assembly shall not receive per diem but shall receive necessary travel and subsistence  
4 expenses at rates prescribed by G.S. 120-3.1."

5  
6 --NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC  
7 DEVELOPMENT COMMISSION

8 **SECTION 4.15.** G.S. 158-8.2(b) reads as rewritten:

9 "(b) The Commission shall consist of 18 appointed members and one ex officio  
10 member, as provided below. Each appointed member shall be an experienced business  
11 person who resides for most of the year in one or more of the counties that are members  
12 of the Commission.

13 (1) Six members shall be appointed by the Governor.

14 (2) Six members shall be appointed by the General Assembly upon the  
15 recommendation of the President Pro Tempore of the Senate in  
16 accordance with G.S. 120-121.

17 (3) Six members shall be appointed by the General Assembly upon the  
18 recommendation of the Speaker of the House of Representatives in  
19 accordance with G.S. 120-121.

20 (4) The Secretary of Commerce, or a designee.

21 (5) Repealed by Session Laws 1999-237, s. 16.6(a).

22 Any person appointed to the Commission who is also a county commissioner or  
23 other local elected official may hold that office in addition to the offices permitted by  
24 G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their  
25 appointments in an effort to ensure as many counties served by the Commission are  
26 represented among the membership of the Commission."

27  
28 **PART V. EFFECTIVE DATES AND HEADINGS**

29 **SECTION 5.1.** The headings to the parts and sections of this act are a  
30 convenience to the reader and are for reference only.

31 **SECTION 5.2.** Unless otherwise provided for in this act, appointments are  
32 for terms to begin July 1, 2002.

33 **SECTION 5.3.** This act is effective when it becomes law.