

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SENATE BILL 1283
RATIFIED BILL**

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE
AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO
MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

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

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

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

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

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

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

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

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

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

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

SECTION 1.9. Effective September 1, 2002, Barbara Arnold of Wayne County, Dr. Deborah Weissman of Orange County, Lynn Bryant of Dare County, and Jan Capps of Durham County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2005.

SECTION 1.10. Effective September 1, 2002, Margaret Wingate and Marianne Sadowski of Mecklenburg County are appointed to the North Carolina Board of Electrolysis Examiners for terms expiring on August 31, 2005.

SECTION 1.11. Effective September 1, 2002, Mayor Gerald Holleman and Jeanne Tedrow of Wake County, Joey Carpenter of Gaston County, Jeffrey Null of Cumberland County, and Ed Moran of Craven County are appointed to the North Carolina Housing Partnership for terms expiring on August 31, 2005.

SECTION 1.12. Effective January 1, 2003, The Honorable Gene Rogers of Martin County is appointed to the Northeastern North Carolina Regional Economic Development Commission for a term expiring on June 30, 2003.

SECTION 1.13. Cynthia Tart of Brunswick County and Edwin C. Holbrook of Cleveland County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June 30, 2005.

SECTION 1.14. Richard Allen of Anson County is appointed to the Private Protective Services Board for a term expiring on June 30, 2005.

SECTION 1.15. Marsha Jordan of Lincoln County and Janie Waff of Chowan County are appointed to the North Carolina Real Estate Commission for terms expiring on July 31, 2005.

SECTION 1.16. The Honorable Bobby Owens, William Kealy, and JoAnn Williams of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2004.

SECTION 1.17. Robert Saunders of Wake County is appointed to the Rules Review Commission for a term expiring on June 30, 2004.

SECTION 1.18. Effective August 1, 2002, the Honorable Patricia Ferguson of Bertie County, Dr. Donald Altieri of Anson County, William S. Wellons, Jr. of Cumberland County, and John T. Killebrew, Jr. of Wake County are appointed to the North Carolina Rural Internet Access Authority for terms expiring on July 31, 2003.

SECTION 1.19. Edward Hearn of Wake County is appointed to the North Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2005.

SECTION 1.20. Willy E. Stewart of Wake County and Ladson Brearley of Mecklenburg County are appointed to the State Building Commission for terms expiring on June 30, 2005. Allen Lassiter of Perquimans County is appointed to the State Building Commission for a term expiring on June 30, 2003, to fill the unexpired term of Charles E. Truelove.

SECTION 1.21. Douglas A. Fox of New Hanover County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2004.

SECTION 1.22. William Tesh of Guilford County and Howard M. Nifong, Jr. of Mecklenburg County are appointed to the Structural Pest Control Committee for terms expiring on June 30, 2006.

SECTION 1.23. Glenn Marek of Orange County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2004.

SECTION 1.24. Wilson Martin of Iredell County and J. Michael Floyd of Mecklenburg County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2005.

SECTION 1.25. Effective May 1, 2002, Brian Prevatte of New Hanover County is appointed to the North Carolina Wildlife Resources Commission for a term expiring on April 30, 2004.

SECTION 1.26. Chief Robert Cherry of Edgecombe County, Leigh Emick Horner of Orange County, Neal Allen of Randolph County, Belinda Gurkins of Pitt County, and William L. Tant, Jr. of Nash County are appointed to the Wireless 911 Board for terms expiring on June 30, 2006.

SECTION 1.27. Lloyd Mickey Meekins, Jr., of Robeson County is appointed to the North Carolina Auctioneers Commission for a term expiring on June 30, 2004.

SECTION 1.28. Robert Spencer of Gaston County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2007. Lanny Wilson of New Hanover County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2005.

PART II. SPEAKER'S RECOMMENDATIONS

SECTION 2.1. Tracy Sturdivant of Mecklenburg County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2005. Nan Cameron of New Hanover County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2003, to fill the unexpired term of Terry Bradley.

SECTION 2.2. Guy J. Phillips of Jackson County is appointed to the Alarm Systems Licensing Board for a term expiring on June 30, 2004.

SECTION 2.3. Bart Bryson of Henderson County is appointed to the North Carolina Appraisal Board for a term expiring on June 30, 2006. David Hoyle, Jr. of Mecklenburg County is appointed to the North Carolina Appraisal Board for a term expiring on June 30, 2005.

SECTION 2.4. Carolyn Taylor of Haywood County is appointed to the North Carolina Arboretum Board of Directors for a term expiring on June 30, 2006.

SECTION 2.5. James Edward Stovall of Person County is appointed to the State Banking Commission for a term expiring on June 30, 2003, to fill the unexpired term of Frank Dunn.

SECTION 2.6. Frederick Quisenberry Cantler of Jackson County, Jason J. Ramirez of Wake County, and Dr. Ed Bartlett of Pitt County are appointed to the North Carolina Board of Athletic Trainer Examiners for terms expiring on June 30, 2005.

SECTION 2.7. Ellen Rose Haynes and Stacy Flannery of Wake County are appointed to the Board of Directors for the North Carolina Center for Nursing for terms expiring on June 30, 2005.

SECTION 2.8. Amelia Watts of Rowan County and Kevin Price of Mecklenburg County are appointed to the Child Care Commission for terms expiring on June 30, 2004. Mary Roberts of Orange County is appointed to the Child Care Commission for a term expiring on June 30, 2003, to fill the unexpired term of Linda Rivers.

SECTION 2.9. David J. Pruitt of Catawba County, Vernon Julius Bryant of Halifax County, and Kevin Gray Wallace of Wake County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2005.

SECTION 2.10. Janet Roberts of Beaufort County is appointed to the North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2005.

SECTION 2.11. Effective September 1, 2002, Earl Butler of Cumberland County, the Honorable Wilma Sherrill of Buncombe County, Geraldine Sumpter and Joan Zimmerman of Mecklenburg County, Julia Freeman of Haywood County, and Aaron A. Cox of Bladen County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2004.

SECTION 2.12. Trudy Brown of Guilford County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2004, to fill the unexpired term of Charlotte Cable. Effective September 1, 2002, Shelton P. Dixon of Forsyth County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2005.

SECTION 2.13. Effective November 1, 2002, Paul Fulks of Wake County is appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors for a term expiring on September 30, 2006.

SECTION 2.14. The Honorable Stanley H. Fox of Granville County, the Honorable Jennifer Weiss of Wake County, the Honorable Larry W. Womble of Forsyth County, the Honorable Larry T. Justus of Henderson County, Denise Barrett of Johnston County, Robert Bizzell of Lenoir County, Sylvia Coleman of Guilford County, and Joe W. Bowser of Durham County are appointed to the North Carolina Heart Disease and Stroke Prevention Task Force for terms expiring upon submission of the Task Force's final report to the General Assembly.

SECTION 2.15. Frederick L. Yates of Perquimans County and George Warner of Hyde County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2004.

SECTION 2.16. Jeffery Morse of Burke County and John Ronald Kincaid of Montgomery County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June 30, 2004.

SECTION 2.17. Effective November 1, 2002, James R. Horton of Martin County, Robert Shinn of Cabarrus County, and Sue Russell of Orange County are appointed to the Board of Directors for the North Carolina Partnership for Children, Inc., for terms expiring on October 30, 2005.

SECTION 2.18. Jackie Warner of Cumberland County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2003, to fill the unexpired term of Henry Kluttz.

SECTION 2.19. Phyllis Lynch of Mecklenburg County and James C. Stevens of Carteret County are appointed to the Private Protective Services Board for terms expiring on June 30, 2005.

SECTION 2.20. Melvin Alston of Guilford County is appointed to the North Carolina Real Estate Commission for a term expiring on July 31, 2005. William C. Lackey, Jr. of Mecklenburg County is appointed to the North Carolina Real Estate Commission for a term expiring on July 31, 2006.

SECTION 2.21. William Croft of Hoke County is appointed to the North Carolina Respiratory Care Board for a term expiring on October 31, 2003, to fill the unexpired term of Floyd Boyer.

SECTION 2.22. Joseph Bryan of Guilford County, Saint Basnight of Dare County, and William Massey of Mecklenburg County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2004.

SECTION 2.23. Graham Bell of Gaston County and Meredith L. Norris of Haywood County are appointed to the Rules Review Commission for a term expiring on June 30, 2004.

SECTION 2.24. Bolling Gray McNeill, Jr. of Columbus County, Brad Phillips of Wake County, and Dr. Cecil L. Groves of Jackson County are appointed to the North Carolina Rural Internet Access Authority for terms expiring on November 30, 2003. Herbert W. Crenshaw, Jr. of Wake County is appointed to the North Carolina Rural Internet Access Authority for a term expiring on November 30, 2003, to fill the unexpired term of C. Don Hathcock.

SECTION 2.25. Stuart R. Smith of Brunswick County is appointed to the North Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2005.

SECTION 2.26. The Honorable Harold Brubaker of Randolph County is appointed to the Southern Dairy Compact Commission for a term expiring on June 30, 2006.

SECTION 2.27. Cleve Paul of Wayne County is appointed to the State Building Commission for a term expiring on June 30, 2005. Frederick G. Mills, Jr. of Wake County is appointed to the State Building Commission for a term expiring on June 30, 2006.

SECTION 2.28. Derryl Garner of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2004.

SECTION 2.29. James Holl of Wake County and Wallace Ray of Forsyth County are appointed to the Structural Pest Control Committee for terms expiring on June 30, 2006.

SECTION 2.30. Harriet McDowell of Columbus County, Linda Hardison of Moore County, Tricia A. Cotham of Mecklenburg County, and Shirley Annette Streater of Anson County are appointed to the North Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2005.

SECTION 2.31. P. Andrew Ellen of Wake County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2004. William S. Stone of Caldwell County is appointed

to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2003.

SECTION 2.32. Janet Delois Baldwin of Wake County is appointed to the State Board of Therapeutic Recreation Certification for a term expiring on June 30, 2005. Roger Owens of Moore County is appointed to the State Board of Therapeutic Recreation Certification for a term expiring on June 30, 2004.

SECTION 2.33. David Hutson of Durham County is appointed to the Well Contractors Certification Commission for a term expiring on June 30, 2004.

SECTION 2.34. James Cogdell of Mecklenburg County is appointed to the North Carolina Wildlife Resources Commission for a term expiring on April 30, 2004.

SECTION 2.35. Ben Muse of Nashville, Tennessee (Davidson County), Don Van Liew and Pamela Tope of Wake County, Frank Thomason of Rowan County, and Glenn Maynor of Robeson County are appointed to the Wireless 911 Board for terms expiring on June 30, 2006.

SECTION 2.36. Allan Dameron of Brunswick County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2005. John Culburtsen of Mecklenburg County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2007.

PART III. CORRECT, CLARIFY, AND CONFIRM TERMS

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

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

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

SECTION 3.2A. Section 1A.32 of S.L. 2001-486 reads as rewritten:

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

SECTION 3.3.(a) Section 1A.27 of S.L. 2001-486 reads as rewritten:

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

SECTION 3.3.(b) Notwithstanding any other provision of law, the number of the members of the North Carolina Board of Mortuary Science is increased to 10 members for the period beginning on the effective date of this act and ending on June 30, 2003. Notwithstanding any other provision of law, Mr. Stuart Cozart is appointed to the North Carolina Board of Mortuary Science for a term of office beginning on the effective date of this act and ending on June 30, 2004.

PART IV. STATUTORY AND SESSION LAW CHANGES

--MOTOR VEHICLE DEALERS' ADVISORY BOARD ABOLISHED

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

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

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

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

--RECONSTITUTION OF NORTH CAROLINA BOARD OF MORTUARY SCIENCE EFFECTIVE JULY 1, 2003

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

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

(a) The General Assembly declares that the practice of funeral service affects the public health, safety and welfare, and is subject to regulation and control in the public interest. The public interest requires that only qualified persons be permitted to practice funeral service in North Carolina, and that the profession merit the confidence of the public. This Article shall be liberally construed to accomplish these ends.

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

- (1) ~~Four funeral service licensees or persons holding both funeral director's license and an embalmer's license,~~ Four members appointed by the Governor, three of which shall be either a licensed funeral director or a funeral service licensee.
- (2) ~~Two persons holding a funeral director's license or a funeral service license, and~~ Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, two of which shall be either a licensed funeral director or a funeral service licensee.
- (3) ~~Three public members.~~ Four members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, three of which shall be either a licensed funeral director or a funeral service licensee.

The public members of the Board may neither be licensed under this Article nor employed by a person who is. To establish staggered terms, the Governor, the General Assembly, upon the recommendation of the Speaker of the House of Representatives, and the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, each, shall initially appoint one member to serve one year, one member to serve two years, and two members to serve three years. A vacancy shall be filled for an unexpired term by the appointing authority.

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

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

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

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

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

- (2) ~~Every embalmer, funeral director and funeral service licensee with a current North Carolina license shall be eligible to vote in all elections. The holding of such a license to practice in North Carolina shall constitute registration to vote in such elections. The list of licensed embalmers, funeral directors and funeral service licensees shall constitute the registration list for elections.~~
- (3) ~~All elections shall be conducted by the State Board of Mortuary Science which is hereby constituted a Board of Mortuary Science Elections. If a member of the State Board of Mortuary Science whose position is to be filled at any election is nominated to succeed himself and does not withdraw his name, he shall be disqualified to serve as a member of the Board of Mortuary Science Elections for that election and the remaining members of the Board of Mortuary Science Elections shall proceed and function without his participation.~~
- (4) ~~Nomination of candidates for election shall be made to the Board of Mortuary Science Elections by a written petition signed by not less than 20 embalmers, funeral directors or funeral service licensees licensed to practice in North Carolina, and filed with said Board of Mortuary Science Elections subsequent to the first day of May of the year in which the election is to be held and not later than midnight of the first day of August of such year, or not later than such earlier date (not before July 1) as may be set by the Board of Mortuary Science Elections: Provided, that not less than 10 days' notice of such earlier date shall be given to all embalmers, funeral directors and funeral service licensees qualified to sign a petition of nomination.~~
- (5) ~~Any person who is nominated as provided in subdivision (4) above may withdraw his name by written notice delivered to the Board of Mortuary Science Elections or its designated secretary at any time prior to the closing of the polls in any election.~~
- (5a) ~~Repealed by Session Laws 1983, c. 69, s. 3.~~
- (6) ~~Following the close of nominations, there shall be prepared, under and in accordance with such rules and regulations as the Board of Mortuary Science Elections shall prescribe, ballots containing identification of the seats for election and, in alphabetical order, the names of all nominees for each seat. Each ballot shall have such method of identification, and such instructions and requirements printed thereon, as shall be prescribed by the Board of Mortuary Science Elections at such time as may be fixed by the Board of Mortuary Science Elections a ballot and a return official envelope addressed to said Board shall be mailed to each embalmer, funeral director and funeral service licensee licensed to practice in North 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

 _____"~~

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~~(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 valid if it is marked for more nominees than there are positions to be filled in that election: Provided, that no ballot shall be rejected for any technical error unless it is impossible to determine the voter's choices or choice from the ballot. The counting of ballots shall be continued until completed. During the counting, challenge may be made to any ballot on the grounds only of defects appearing on the face of the ballot. The said Board may decide the challenge immediately when it is made or it may put aside the ballot and determine the challenge upon the conclusion of the counting of the ballots.~~
- ~~(9) a. Election shall be determined by a majority of the votes cast. As used in this subdivision "category I" refers to the seat held by a funeral service licensee or a person holding both a funeral director's license and an embalmer's license, and "category II" refers to the seat held by a funeral director or a funeral service licensee. A majority shall be determined:
 - ~~1. In an election to fill one seat in category I and one seat in category II, and if there are two or more candidates for a category, the majority shall be determined by dividing the total vote cast for all candidates in the category by two. An excess of the sum so ascertained shall be a majority.~~
 - ~~2. In an election to fill two seats in the same category, and if there are more than two candidates, the majority shall~~~~

- ~~be determined by dividing the total vote cast for all candidates by two and by dividing the result by two. Any excess of the sum so ascertained shall be a majority. If more than two candidates obtain a majority the two having the highest vote shall be declared elected.~~
- b. ~~If there is a failure to obtain a majority of the votes cast for any seat the following procedures shall apply:~~
- ~~1. In an election to fill one seat in category I and one seat in category II, and if no candidate receives a majority in a category, the candidate receiving the highest number of votes in that category shall be declared elected unless the candidate receiving the second highest number of votes, within 10 days of having been notified by the Board of the vote total, shall request a second election. In the second election, the names of the candidates who received the highest and the next highest number of votes shall appear on the ballot.~~
 - ~~2. In an election to fill two seats in the same category, and if no candidate receives a majority, the two candidates receiving the highest number of votes shall be declared elected unless the candidate receiving the next highest number of votes, within 10 days of having been notified by the Board of the vote total, shall request a second election. In the second election the names of the two candidates who received the highest number of votes in the first election and the name of the candidate who received the next highest number of votes shall appear on the ballot, and the two candidates who receive the highest number of votes in the second election shall be declared elected. If in the first election only one candidate fails to receive a majority, the candidate receiving the highest number of votes, but not a majority, shall be declared elected unless the candidate receiving the next highest number of votes, within 10 days of having been notified by the Board of the vote total, shall request a second election. In the second election the name of the candidate who received the highest number of votes, but not a majority, in the first election and the name of the candidate who received the next highest number of votes shall appear on the ballot, and the candidate who receives the higher number of votes in the second election shall be declared elected.~~
- e. ~~In any election if there is a tie between candidates the tie shall be resolved by a vote of the Board, provided that if a member of the Board is one of the candidates in the tie he may not participate in such vote.~~
- (10) ~~In the event there shall be required a second election, there shall be followed the same procedure as outlined in the paragraphs above subject to the same limitations and requirements.~~
- (11) ~~In the case of the death or withdrawal of a candidate prior to the closing of the polls in any election, he shall be eliminated from the contest and any votes cast for him shall be disregarded. If, at any time after the closing of the period for nominations, because of lack of plural or proper nominations, or death, or withdrawal, or disqualification or any other reason, there shall be (i) only one~~

~~candidate for a position, he shall be declared elected by the Board of Mortuary Science Elections, or (ii) no candidate for a position, the position shall be filled by the State Board of Mortuary Science. In the event of the death or withdrawal of a candidate after election but before taking office, the position to which he was elected shall be filled by the State Board of Mortuary Science. In the event of the death or resignation of a member of the State Board of Mortuary Science, after taking office, his position shall be filled for the unexpired term by the State Board of Mortuary Science.~~

- ~~(12) An official list of all licensed embalmers, funeral directors and funeral service licensees shall be kept at an office of the Board of Mortuary Science Elections and shall be open to the inspection of any person at all times. Copies may be made by any licensed embalmer, funeral director or funeral service licensee. As soon as the voting in any election begins, a list of the licensed embalmers, funeral directors, and funeral service licensees shall be posted in such office of said Board and indication by mark or otherwise shall be made on that list to show whether a ballot enclosing envelope has been returned.~~
- ~~(13) All envelopes enclosing ballots and all ballots shall be preserved and held separately by the Board of Mortuary Science Elections for a period of six months following the close of an election.~~
- ~~(14) From any decision of the Board of Mortuary Science Elections relative to the conduct of such elections, appeal may be taken to the courts in the manner otherwise provided by Chapter 150B of the General Statutes of North Carolina.~~
- ~~(15) The Board of Mortuary Science Elections is authorized to make rules and regulations relative to the conduct of these elections, provided same are not in conflict with the provisions of this section and provided that notice shall be given to all licensed embalmers, funeral directors, and funeral service licensees.~~

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

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

~~"§ 90-210.22. Required meetings of the Board.~~

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

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

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

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

~~"(a1) Inactive Licenses. – Any person holding a license issued by the Board for funeral directing, for embalming, or for the practice of funeral service may apply for an inactive license in the same category as the active license held. The inactive license is renewable annually. Continuing education is not required for the renewal of an inactive~~

license. ~~The only activity that a holder of an inactive license may engage in is to vote pursuant to G.S. 90-210.18(e)(2).~~ The holder of an inactive license may apply for an active license in the same category, and the Board shall issue an active license if the applicant has completed in North Carolina a total number of hours of accredited continuing education equal to five times the number of years the applicant held the inactive license. No application fee is required for the reinstatement of an active license pursuant to this subsection. The holder of an inactive license who returns to active status shall surrender the inactive license to the Board."

SECTION 4.2.(e) Notwithstanding any other provision of law, Mr. George Parrott's and Mr. Stuart Cozart's appointments to and terms of office on the North Carolina Board of Mortuary Science shall be as set forth in Section 3.3(a) and (b) of this act, despite the reconstitution of the Board as set forth in Section 4.2(a) of this act. Mr. Parrott's appointment to and term of office on the Board shall be that of the member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for the initial three-year term, as set forth in G.S. 90-210.18(b) as amended by Section 4.2(a) of this act when effective. Mr. Stuart Cozart's appointment to and term of office on the Board shall be that of the member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for a term beginning on the effective date of this act and ending on June 30, 2004, for the initial one-year term, as set forth in G.S. 90-210.18(b) as amended by Section 4.2(a) of this act when effective.

SECTION 4.2.(f) Except as set forth in Section 4.2(e) of this act, the members of the Board of Mortuary Science on January 1, 2002, shall continue in office until June 30, 2003.

SECTION 4.2.(g) Beginning January 1, 2004, the Board of Mortuary Science shall report to the Joint Legislative Commission on Governmental Operations annually regarding its activities.

SECTION 4.2.(h) Sections 4.2(a) through 4.2(d) of this section become effective July 1, 2003. The remainder of this section is effective when it becomes law.

--NORTH CAROLINA REAL ESTATE COMMISSION

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

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

SECTION 4.3.(b) The terms of Marsha Jordan, Janie Waff, and Melvin Alston shall run for an initial period of three years beginning August 1, 2002. The term of William C. Lackey, Jr. shall run for an initial period of four years beginning August 1, 2002. After the initial terms, the terms of the persons appointed to fill the seats to

which Ms. Jordan, Ms. Waff, Mr. Alston, and Mr. Lackey are hereby appointed shall be three years commencing August 1 in the year the initial term expired.

--NORTH CAROLINA APPRAISAL BOARD

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

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

SECTION 4.4.(b) The terms of Henry Faircloth, Stephanie Simpson, and David Hoyle, Jr. shall run for an initial period of three years beginning July 1, 2002. The term of Bart Bryson shall run for an initial period of four years beginning July 1, 2002. After the initial terms, the terms of the persons appointed to fill the seats to which Mr. Faircloth, Ms. Simpson, Mr. Bryson, and Mr. Hoyle are hereby appointed shall be three years commencing July 1 in the year the initial term expired.

--STRUCTURAL PEST CONTROL COMMITTEE

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

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

shall serve at the pleasure of the Secretary. The Governor shall appoint two members of the Committee who are actively engaged in the pest control industry, who are licensed in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and who are residents of the State of North Carolina but not affiliates of the same company.

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

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

--CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

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

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

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

(b) Membership. – The Clean Water Management Trust Fund Board of Trustees shall be composed of ~~18 members. Six members shall be appointed by the Governor, six by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and six by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.~~ 21 members appointed to four-year terms as follows:

- (1) One member appointed by the Governor to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.
- (2) One member appointed by the Governor to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.
- (3) One member appointed by the Governor to a term that expires on July 1 of years that are evenly divisible by four.
- (4) One member appointed by the Governor to a term that expires on July 1 of years that are evenly divisible by four.

- (5) One member appointed by the Governor to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.
- (6) One member appointed by the Governor to a term that expires on July 1 of years that follow by two years those years that are evenly divisible by four.
- (7) One member appointed by the Governor to a term that expires on July 1 of years that follow by two years those years that are evenly divisible by four.
- (8) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.
- (9) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that are evenly divisible by four.
- (10) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that are evenly divisible by four.
- (11) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.
- (12) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.
- (13) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate on July 1 of years that follow by two years those years that are evenly divisible by four.
- (14) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate on July 1 of years that follow by two years those years that are evenly divisible by four.
- (15) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.
- (16) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.
- (17) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that are evenly divisible by four.
- (18) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.
- (19) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.

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

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

(b1) Qualifications. – The office of Trustee is declared to be an office that may be held concurrently with any other executive or appointive office, under the authority of Article VI, Section 9, of the North Carolina Constitution. Persons appointed shall be knowledgeable in one of the following areas:

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

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

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

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

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

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

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

- (1) William McPhatter, Sr. shall serve in the position established by G.S. 113-145.5(b)(1) through July 1, 2003.
- (2) Joseph M. Hester, Jr. shall serve in the position established by G.S. 113-145.5(b)(2) through July 1, 2003.
- (3) John McMillan shall serve in the position established by G.S. 113-145.5(b)(3) through July 1, 2004.
- (4) Caroline B. Ansbacher shall serve in the position established by G.S. 113-145.5(b)(4) through July 1, 2004.

- (5) Leland McKinley Simmons shall serve in the position established by G.S. 113-145.5(b)(5) through July 1, 2005.
- (6) Edwin G. Wilson, Jr. shall serve in the position established by G.S. 113-145.5(b)(6) through July 1, 2006.
- (7) The Governor shall appoint a member to serve in the position established by G.S. 113-145.5(b)(7) through July 1, 2006.
- (8) William E. Hollan, Jr. shall serve in the position established by G.S. 113-145.5(b)(8) through July 1, 2003.
- (9) Claudette Weston shall serve in the position established by G.S. 113-145.5(b)(9) through July 1, 2004.
- (10) Jerry W. Wright shall serve in the position established by G.S. 113-145.5(b)(10) through July 1, 2004.
- (11) William J. Brooks, III shall serve in the position established by G.S. 113-145.5(b)(11) through July 1, 2005.
- (12) Dickson Mclean, Jr. shall serve in the position established by G.S. 113-145.5(b)(12) through July 1, 2005.
- (13) Alex MacFadyen of Wake County is appointed to serve in the position established by G.S. 113-145.5(b)(13) through July 1, 2006.
- (14) Johnnie Mosley of Lenoir County is appointed to serve in the position established by G.S. 113-145.5(b)(14) through July 1, 2006.
- (15) Karen Cragolin shall serve in the position established by G.S. 113-145.5(b)(15) through July 1, 2003.
- (16) C. Leroy Smith shall serve in the position established by G.S. 113-145.5(b)(16) through July 1, 2003.
- (17) Allen Holt Gwyn shall serve in the position established by G.S. 113-145.5(b)(17) through July 1, 2004.
- (18) Robert Dare Howard shall serve in the position established by G.S. 113-145.5(b)(18) through July 1, 2005.
- (19) Margaret B. Markey shall serve in the position established by G.S. 113-145.5(b)(19) through July 1, 2005.
- (20) Charles R. Wakild shall serve in the position established by G.S. 113-145.5(b)(20) through July 1, 2006.

--TASK FORCE ON SCHOOL-BASED MANAGEMENT ABOLISHED
SECTION 4.7. G.S. 115C-105.31 is repealed.

--JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY
SECTION 4.8.(a) G.S. 120-232(a) reads as rewritten:

- "(a) The Committee shall consist of ~~16-18~~ members as follows:
- (1) Five members of the Senate at the time of their appointment, appointed by the President Pro Tempore of the Senate.
 - (2) Five members of the House of Representatives at the time of their appointment, appointed by the Speaker of the House of Representatives.
 - (3) ~~Three-Four~~ members of the public, appointed by the President Pro Tempore of the Senate.
 - (4) ~~Three-Four~~ members of the public, appointed by the Speaker of the House of Representatives."

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

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

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

Initial terms shall commence on August 15, 1999."

--STATE BUILDING COMMISSION

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

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

- (1) A licensed architect whose primary practice is or was in the design of buildings, chosen from among not more than three persons nominated by the North Carolina Chapter of the American Institute of Architects, appointed by the Governor.
- (2) A registered engineer whose primary practice is or was in the design of engineering systems for buildings, chosen from among not more than three persons nominated by the Consulting Engineers Council and the Professional Engineers of North Carolina, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (3) A licensed building contractor whose primary business is or was in the construction of buildings, or an employee of a company holding a general contractor's license, chosen from among not more than three persons nominated by the Carolinas AGC (Associated General Contractors), appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (4) A licensed electrical contractor whose primary business is or was in the installation of electrical systems for buildings, chosen from among not more than three persons nominated by the North Carolina Association of Electrical Contractors, and the Carolinas Electrical Contractors' Association, appointed by the Governor.
- (5) ~~A public member~~ Two public members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (5a) One public member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (6) A licensed mechanical contractor whose primary business is or was in the installation of mechanical systems for buildings, chosen from among not more than three persons nominated by the North Carolina Association of Plumbing, Heating, Cooling Contractors, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (7) An employee of the university system currently involved in the capital facilities development process, chosen from among not more than three persons nominated by the Board of Governors of The University of North Carolina, appointed by the Governor.
- (8) A public member who is knowledgeable in the building construction or building maintenance area, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (9) A representative of local government, chosen from among not more than two persons nominated by the North Carolina Association of County Commissioners and two persons nominated by the North Carolina League of Municipalities, appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

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

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

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

--NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

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

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

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

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

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

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

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

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

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

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

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

The General Assembly shall appoint ~~eight~~10 members of the Commission to serve two-year terms, ~~four~~five upon the recommendation of the Speaker of the House, ~~four~~five upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. Of the members appointed upon the recommendation of the Speaker of the House and upon the recommendation of the President Pro Tempore of the Senate, at least one of each shall be a member of the political party to which the largest minority of the members of the General Assembly belongs.

Thereafter as the terms of office of the members of the Commission appointed by the Governor from the several wildlife districts expire, their successors shall be appointed for terms of six years each. As the terms of office of the members of the Commission appointed by the General Assembly expire, their successors shall be appointed for terms of two years each. All members appointed by the Governor serve at the pleasure of the Governor that appointed them and they may be removed by that Governor at any time. A successor to the appointing Governor may remove a Commission member only for cause as provided in G.S. 143B-13. Members appointed

by the General Assembly serve at the pleasure of that body and may be removed by law at any time. In the event that a Commission member is removed, the member appointed to replace the removed member shall serve only for the unexpired term of the removed member."

--NORTH CAROLINA PARKS AND RECREATION AUTHORITY

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

"(a) Membership. – The North Carolina Parks and Recreation Authority shall consist of ~~11~~ 13 members. The members shall include persons who are knowledgeable about park and recreation issues in North Carolina or with expertise in finance. In making appointments, each appointing authority shall specify under which subdivision of this subsection the person is appointed. Members shall be appointed as follows:

- (1) One member appointed by the Governor.
- (2) One member appointed by the Governor.
- (3) One member appointed by the Governor.
- (4) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
- (5) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
- (6) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
- (7) ~~One member~~ Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
- (8) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.
- (9) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.
- (10) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.
- (11) ~~One member~~ Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121."

--ECONOMIC DEVELOPMENT BOARD

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

"(b) Membership. – The Economic Development Board shall consist of ~~37~~ 38 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining ~~23~~ 24 members of the Board. ~~Effective with the terms beginning July 1, 1997, one of~~ Of the Governor's appointees ~~appointees, one shall be a representative of a nonprofit organization involved in economic development and development, two of the Governor's appointees~~ shall be county economic

~~development representatives, representatives, and one shall be the president of the North Carolina Economic Developers' Association, who shall serve ex officio. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments All appointments to the Board made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993, should reflect the ethnic and gender diversity of the State as nearly as practical.~~

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

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

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

--NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

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

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

- (1) Six members shall be appointed by the Governor.
- (2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (4) The Secretary of Commerce, or a designee.
- (5) Repealed by Session Laws 1999-237, s. 16.6(a).

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

--NORTH CAROLINA AUCTIONEERS COMMISSION

SECTION 4.16.(a) G.S. 85B-3 reads as rewritten:

"§ 85B-3. Auctioneers Commission.

(a) There shall be a ~~five-member~~ seven-member North Carolina Auctioneers Commission having the powers and responsibilities set out in this Chapter. The Governor shall appoint ~~the five~~ members of the Commission, at least three of whom, and their successors, shall be from nominations submitted by the Auctioneers Association of North Carolina. The General Assembly shall appoint one member upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The General Assembly shall appoint one member upon the recommendation of the Speaker of the House of Representatives in accordance with

G.S. 120-121. The Auctioneers Association shall submit, within 45 days of when the vacancy occurs, at least three names for each position for which it is entitled to make a nomination. ~~Of the initial five members of the Commission one shall be appointed for a one year term, two shall be appointed for two year terms and two for three year terms; thereafter, each new~~ Each member shall be appointed for a term of three years. Any vacancy shall be filled for the remainder of the unexpired term only. Each member shall continue in office until his successor is appointed and qualified. No member shall serve more than two complete consecutive terms.

(b) At least three members of the Commission appointed by the Governor shall be experienced auctioneers who are licensed under this Chapter. One member appointed by the Governor shall be a person who shall represent the public at large and shall not be licensed under this Chapter.

(c) The Commission shall employ an executive director and other employees as needed to carry out the duties of this Chapter. All employees shall serve at the pleasure of the Commission.

(d) Any action that may be taken by the Commission may be taken by vote of any ~~three~~ four of its members.

(e) The members of the Commission shall elect from among themselves a chairman to serve a one-year term. No person shall serve more than two consecutive terms as chairman.

(f) Repealed by Session Laws 1999-142, s. 1.

(g) Members of the Commission shall receive the compensation set for members of occupational licensing boards by G.S. 93B-5."

SECTION 4.16.(b) Notwithstanding G.S. 85B-3(a), as amended by subsection (a) of this section, the initial terms of the two positions added on the North Carolina Auctioneers Commission shall expire on June 30, 2004. Thereafter the terms of the two positions shall be three years.

--NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS

SECTION 4.17. G.S. 88A-5(a) reads as rewritten:

"(a) The North Carolina Board of Electrolysis Examiners is created. The Board shall consist of ~~five~~ seven members as follows:

- (1) ~~Three~~ Five electrologists who have engaged in the practice of electrolysis for at least five years, ~~one~~ two of whom shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, ~~one~~ two of whom shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and one of whom shall be appointed by the Governor.
- (2) A physician licensed under Chapter 90 of the General Statutes, who shall be nominated by the North Carolina Medical Board and appointed by the Governor.
- (3) A public member, appointed by the Governor, who has not practiced electrolysis, who is not in training to become an electrologist, and who is not related to anyone who would be prohibited by this subdivision from serving on the Board as a public member."

--GLOBAL TRANSPARK DEVELOPMENT COMMISSION

SECTION 4.18. G.S. 158-35(a) reads as rewritten:

"(a) Commission Membership. – The governing body of the Zone is the Global TransPark Development Commission. The members of the Commission must be residents of the Zone and shall be appointed as follows:

- (1) The board of commissioners of each county participating in the Zone shall appoint three voting members, one of whom shall be a minority

- person as defined in G.S. 143-128.2(g)(2) and one of whom may be a member of the board of commissioners.
- (2) The Commission shall appoint at least three but no more than seven voting members. By the appointment of these members, the Commission shall ensure that the voting membership of the Commission includes at least seven women and seven members of a racial minority described in G.S. 143-128.2(g)(2). The Commission shall appoint the fewest number of members necessary to achieve these minimums.
 - (3) ~~Four~~ Ten nonvoting members shall be appointed as follows:
 - a. One appointed by the Chancellor of East Carolina University to represent the University.
 - b. One appointed by a majority vote of the presidents of the community colleges located in the Zone, to represent the community colleges.
 - c. One appointed by the chair of the State Ports Authority, to represent the sea ports of the State.
 - d. One member of the board of directors of the Global TransPark Foundation, Inc., appointed by that board.
 - e. Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 from counties participating in the Zone.
 - f. Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 from counties participating in the Zone."

--PRIVATE PROTECTIVE SERVICES BOARD

SECTION 4.19. G.S. 74C-4(b) reads as rewritten:

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

PART V. EFFECTIVE DATES AND HEADINGS

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

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

SECTION 5.3. Unless otherwise provided for in this act, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4th day of October, 2002.

Marc Basnight
President Pro Tempore of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____m. this _____ day of _____, 2002