

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 512
Second Edition Engrossed 4/6/23
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Proposed Conference Committee Substitute S512-PCCS15370-RI-2

Short Title: Greater Accountability for Boards/Commissions. (Public)

Sponsors:

Referred to:

April 4, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE ACCOUNTABILITY OF PUBLIC BOARDS AND
3 COMMISSIONS TO THE CITIZENS OF NORTH CAROLINA BY CHANGING THE
4 APPOINTMENT STRUCTURE OF THOSE BOARDS AND COMMISSIONS.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. ECONOMIC INVESTMENT COMMITTEE**

8 **SECTION 1.1.(a)** G.S. 143B-437.54 reads as rewritten:

9 "**§ 143B-437.54. Economic Investment Committee established.**

10 (a) Membership. – The Economic Investment Committee is established. The Committee
11 consists of the following members:

12 (1) The Secretary of Commerce.

13 (2) The Secretary of Revenue.

14 (3) The Director of the Office of State Budget and Management.

15 (4) One member appointed by the General Assembly upon the recommendation
16 of the Speaker of the House of Representatives.

17 (5) One member appointed by the General Assembly upon the recommendation
18 of the President Pro Tempore of the Senate.

19 (6) The Speaker of the House of Representatives or a designee of the Speaker.

20 (7) The President Pro Tempore of the Senate or a designee of the President Pro
21 Tempore.

22 ~~The members of the Committee appointed by the General Assembly may not be members of~~
23 ~~the General Assembly.~~ The members of the Committee appointed by the General Assembly serve
24 two-year terms that begin upon appointment. The other members, who are ex officio members
25 or designees of those members, shall serve until they are no longer in office or are replaced with
26 another designee.

27 (b) Decision Required. – The Committee may act only upon a decision of ~~three of its five~~
28 a majority of its members.

29"

30 **SECTION 1.1.(b)** G.S. 120-123(76) is repealed.

31
32 **PART II. ENVIRONMENTAL MANAGEMENT COMMISSION**

33 **SECTION 2.1.(a)** G.S. 143B-283 reads as rewritten:



* S 5 1 2 - P C C S 1 5 3 7 0 - R I - 2 *

1 **"§ 143B-283. Environmental Management Commission – members; selection; removal;**
2 **compensation; quorum; services.**

3 (a) Repealed by Session Laws 2013-360, s. 14.23(a), effective July 1, 2013.

4 (a1) Composition. – The Environmental Management Commission shall consist of 15
5 members as follows:

- 6 (1) One appointed by the Governor who shall be a licensed physician.
- 7 (2) One appointed by the Governor who shall at the time of appointment have
8 special training or scientific expertise in hydrology, water pollution control,
9 or the effects of water pollution.
- 10 (3) One appointed by the Governor who shall at the time of appointment have
11 special training or scientific expertise in hydrology, water pollution control,
12 or the effects of water pollution.
- 13 (4) One appointed by the Governor who shall at the time of appointment have
14 special training or scientific expertise in air pollution control or the effects of
15 air pollution.
- 16 (5) One appointed by the ~~Governor~~ Commissioner of Agriculture who shall at the
17 time of appointment be actively connected with or have had experience in
18 agriculture.
- 19 (6) One appointed by the Governor who shall at the time of appointment have
20 special training and scientific expertise in freshwater, estuarine, marine
21 biological, or ecological sciences or be actively connected with or have had
22 experience in the fish and wildlife conservation activities of the State.
- 23 (7) One appointed by the Governor who shall at the time of appointment be
24 actively employed by, or recently retired from, an industrial manufacturing
25 facility and shall be knowledgeable in the field of industrial pollution control.
- 26 (8) One appointed by the Governor who shall at the time of appointment be a
27 licensed engineer with specialized training and experience in water supply or
28 water or air pollution control.
- 29 (9) One appointed by the ~~Governor~~ Commissioner of Agriculture who shall serve
30 at large.
- 31 (10) One appointed by the General Assembly upon recommendation of the Speaker
32 of the House of Representatives in accordance with G.S. 120-121 who shall
33 serve at large.
- 34 (11) One appointed by the General Assembly upon recommendation of the Speaker
35 of the House of Representatives in accordance with G.S. 120-121 who shall
36 serve at large.
- 37 (12) One appointed by the General Assembly upon recommendation of the Speaker
38 of the House of Representatives in accordance with G.S. 120-121 who shall
39 serve at large.
- 40 (13) One appointed by the General Assembly upon recommendation of the
41 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
42 shall serve at large.
- 43 (14) One appointed by the General Assembly upon recommendation of the
44 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
45 shall serve at large.
- 46 (15) One appointed by the General Assembly upon recommendation of the
47 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
48 shall serve at large.

49 (b) Filling of Vacancies. – Any appointment to fill a vacancy on the Commission created
50 by the resignation, dismissal, death or disability of a member shall be for the balance of the
51 unexpired term. The Governor may reappoint a member of the Commission to an additional term

1 if, at the time of the reappointment, the member qualifies for membership on the Commission
 2 under ~~subdivisions (1) through (9)~~ subdivision (1), (2), (3), (4), (6), (7), or (8) of subsection (a1)
 3 of this section. The Commissioner may reappoint a member of the Commission to an additional
 4 term if, at the time of the reappointment, the member qualifies for membership on the
 5 Commission under subdivision (5) or (9) of subsection (a1) of this section. Appointments by the
 6 General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those
 7 appointments shall be filled in accordance with G.S. 120-122.

8 (b1) ~~The Governor shall have the power to~~ Removal of Members. – Each appointing
 9 authority may remove any member of the Commission appointed by that appointing authority
 10 from office for misfeasance, malfeasance, or ~~nonfeasance in accordance with the provisions of~~
 11 ~~G.S. 143B-13 of the Executive Organization Act of 1973.~~ nonfeasance.

12 (b2) Per Diem and Expenses. – The members of the Commission shall receive per diem
 13 and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

14 (b3) Quorum. – A majority of the Commission shall constitute a quorum for the transaction
 15 of business.

16 (b4) Administrative Support. – All clerical and other services required by the Commission
 17 shall be supplied by the Secretary of Environmental Quality.

18 (c) Repealed by Session Laws 2015-9, s. 1.2, effective April 27, 2015.

19 (c1) Ethics. – All members of the Commission are covered persons for the purposes of
 20 Chapter 138A of the General Statutes, the State Government Ethics Act. As covered persons,
 21 members of the Commission shall comply with the applicable requirements of the State
 22 Government Ethics Act, including mandatory training, the public disclosure of economic
 23 interests, and ethical standards for covered persons. Members of the Commission shall comply
 24 with the provisions of the State Government Ethics Act to avoid conflicts of interest. The
 25 Governor may require additional disclosure of potential conflicts of interest by members. The
 26 Governor may promulgate criteria regarding conflicts of interest and disclosure thereof for
 27 determining the eligibility of persons under this subsection, giving due regard to the requirements
 28 of federal legislation, and, for this purpose, may promulgate rules, regulations, or guidelines in
 29 conformance with those established by any federal agency interpreting and applying provisions
 30 of federal law.

31 (d) Repealed by Session Laws 2013-360, s. 14.23(a), effective July 1, 2013.

32 (e) Terms. – Members of the Commission shall serve terms of four years."

33 **SECTION 2.1.(b)** G.S. 143B-284 reads as rewritten:

34 "**§ 143B-284. Environmental Management Commission – officers.**

35 The Environmental Management Commission shall have a chairman and a ~~vice chairman.~~
 36 ~~The chairman shall be designated by the Governor from among the members of the Commission~~
 37 ~~to serve as chairman at the pleasure of the Governor. The vice chairman shall be vice-chairman~~
 38 ~~elected by and from the members of the Commission and shall serve for a term of two years or~~
 39 ~~until the expiration of his~~ their regularly appointed ~~term~~ terms whichever comes first."
 40

41 PART III. COMMISSION FOR PUBLIC HEALTH

42 **SECTION 3.1.(a)** G.S. 130A-30 reads as rewritten:

43 "**§ 130A-30. Commission for Public Health – Members; selection; quorum; compensation.**

44 (a) Composition. – The Commission for Public Health shall consist of the following 13
 45 ~~members, four of whom shall be elected~~ members:

46 (1) Four elected by the North Carolina Medical Society and ~~nine of whom shall~~
 47 ~~be~~ Society.

48 (2) Four at-large members appointed by the General Assembly in accordance with
 49 G.S. 120-121, two upon the recommendation of the President Pro Tempore of
 50 the Senate and two upon the recommendation of the Speaker of the House of
 51 Representatives.

1 (3) Five appointed by the Governor.

2 (b) Qualifications of Members Appointed by the Governor. – One of the members
3 appointed by the Governor shall be a licensed pharmacist, ~~one a registered engineer experienced~~
4 ~~in sanitary engineering or a soil scientist,~~ one a licensed veterinarian, one a licensed optometrist,
5 one a licensed dentist, and one a registered nurse. ~~The initial members of the Commission shall~~
6 ~~be the members of the State Board of Health who shall serve for a period equal to the remainder~~
7 ~~of their current terms on the State Board of Health, three of whose appointments expire May 1,~~
8 ~~1973, and two of whose appointments expire May 1, 1975.~~

9 (b1) Length of Terms. – Members appointed to the Commission shall serve for a term of
10 four years. At the end of the respective terms of office of ~~initial~~ members of the Commission,
11 their successors shall be appointed for terms of four years ~~and until their successors are appointed~~
12 ~~and qualify.~~ years. Any appointment to fill a vacancy on the Commission created by the
13 resignation, dismissal, death, or disability of a member shall be filled by the appointing authority
14 for the balance of the unexpired term. As used in this section, the term "appointing authority"
15 means the North Carolina Medical Society in the case of members elected by the Medical
16 Society, the General Assembly in the case of members appointed by the General Assembly, and
17 the Governor in the case of members appointed by the Governor.

18 (c) ~~The North Carolina Medical Society shall have the right to remove any member~~
19 ~~elected by it for misfeasance, malfeasance, or nonfeasance, and the Governor shall have the right~~
20 ~~to~~ Removal of Members. – Each appointing authority may remove any member appointed by
21 ~~him~~ that appointing authority for misfeasance, malfeasance, or ~~nonfeasance in accordance with~~
22 ~~the provisions of G.S. 143B-13 nonfeasance.~~

23 (c1) Filling of Vacancies. – Vacancies on ~~said~~ the Commission among the membership
24 elected by the North Carolina Medical Society shall be filled by the executive committee of the
25 Medical Society until the next meeting of the Medical Society, when the Medical Society shall
26 fill the vacancy for the unexpired term. Vacancies on ~~said~~ the Commission among the
27 membership appointed by the General Assembly shall be filled by the General Assembly as
28 provided in subdivision (a)(2) of this section for the unexpired term. Vacancies on the
29 Commission among the membership appointed by the Governor shall be filled by the Governor
30 for the unexpired term.

31 (d) Quorum. – A majority of the members of the Commission ~~shall constitute~~ constitutes
32 a quorum for the transaction of business.

33 (e) Per Diem and Expenses. – The members of the Commission shall receive per diem
34 and necessary traveling and subsistence expenses in accordance with the provisions of
35 G.S. 138-5."

36 **SECTION 3.1.(b)** To minimize the impact of this section on the work of the
37 Commission for Public Health, the Governor shall not appoint successors to the four members
38 of the Commission whose terms expire on April 30, 2023. Instead, the General Assembly shall
39 appoint four at-large members to the Commission in accordance with G.S. 130A-30(a)(2), as
40 enacted by this section, to succeed the four members appointed by the Governor whose terms
41 expire on April 30, 2023.

42 43 **PART IV. BOARD OF TRANSPORTATION**

44 **SECTION 4.1.(a)** G.S. 143B-350 reads as rewritten:

45 **"§ 143B-350. Board of Transportation – organization; powers and duties, etc.**

46 (a) Board of Transportation. – There is hereby created a Board of Transportation. The
47 Board shall carry out its duties consistent with the needs of the State as a whole. The diversity
48 and size of the State require that regional differences be considered by Board members as they
49 develop transportation policy and projects for the benefit of the citizens of the State. The Board
50 shall carry out its duties consistent with the fiduciary responsibility to ensure the solvency of the
51 State Highway Fund and Highway Trust Fund.

(b) Membership of the Board. –

(1) Number, appointment. – The Board of Transportation shall have 20 voting members. Voting members shall be appointed as provided in subdivisions (2) and (3) of this subsection for terms of office beginning ~~July 31~~ July 1 of the year of initial appointment, and every four years thereafter. Fourteen of the members shall be ~~division~~ distribution region members appointed by the ~~Governor. Six members shall be at-large members appointed by the~~ General Assembly, ~~three~~ seven upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 and ~~three~~ seven upon recommendation of the Speaker of the House of ~~Representatives.~~ Representatives in accordance with G.S. 120-121. Six members shall be at-large members appointed by the Governor. The Secretary of Transportation shall serve as an ex officio nonvoting member of the Board. No more than three members of the Board may reside in the same ~~highway~~ distribution region.

(2) ~~Division~~ Distribution region members. – ~~One member~~ Two members shall be appointed from and be a resident of each of the ~~14 highway divisions.~~ Division members shall regularly consult with and consider the views of local government units and Transportation Advisory Committees in the region they represent. The Governor shall appoint one member from each of the fourteen divisions as follows: seven distribution regions defined in G.S. 136-189.10(1). Distribution region members shall be appointed as follows:

a. Four members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate with one member each from Distribution Regions A, C, E, and G, beginning in 2025.

b. Four members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives with one member each from Distribution Regions A, C, E, and G, beginning in 2025.

c. Three members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate with one member each from Distribution Regions B, D, and F, beginning in 2023.

d. Three members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives with one member each from Distribution Regions B, D, and F, beginning in 2023.

a. ~~Division 1, beginning in 2020.~~

b. ~~Division 2, beginning in 2022.~~

c. ~~Division 3, beginning in 2020.~~

d. ~~Division 4, beginning in 2022.~~

e. ~~Division 5, beginning in 2022.~~

f. ~~Division 6, beginning in 2020.~~

g. ~~Division 7, beginning in 2022.~~

h. ~~Division 8, beginning in 2022.~~

i. ~~Division 9, beginning in 2020.~~

j. ~~Division 10, beginning in 2022.~~

k. ~~Division 11, beginning in 2022.~~

l. ~~Division 12, beginning in 2020.~~

m. ~~Division 13, beginning in 2022.~~

- 1 n. ~~Division 14, beginning in 2020.~~
- 2 (3) At-large members. – Six at-large members shall be appointed as follows:by
- 3 the Governor beginning in 2023.
- 4 a. ~~Two members appointed by the General Assembly upon~~
- 5 ~~recommendation of the President Pro Tempore of the Senate,~~
- 6 ~~beginning in 2020.~~
- 7 b. ~~One member appointed by the General Assembly upon~~
- 8 ~~recommendation of the President Pro Tempore of the Senate,~~
- 9 ~~beginning in 2022.~~
- 10 c. ~~Two members appointed by the General Assembly upon~~
- 11 ~~recommendation of the Speaker of the House of Representatives,~~
- 12 ~~beginning in 2020.~~
- 13 d. ~~One member appointed by the General Assembly upon~~
- 14 ~~recommendation of the Speaker of the House of Representatives,~~
- 15 ~~beginning in 2022.~~
- 16 (c) Staggered Terms. – The terms of all Board members serving on the Board prior to
- 17 ~~July 31, 2020, July 1, 2023,~~ shall expire on ~~July 30, 2020. June 30, 2023.~~ A new board of 20
- 18 voting members shall be appointed with terms beginning on ~~July 31, 2020. July 1, 2023.~~

19 ...

20 (e) Organization and Meetings of the Board. – ~~Within 30 days after July 31, 2020, the~~

21 ~~Governor shall call the Board into session. The Governor~~ The Board shall select a chair from

22 among the Board's membership for a two-year term. The Board shall select a vice-chair from

23 among its membership for a two-year term. The ~~Governor~~ Board may select a chair for one

24 additional two-year term. The Board may select a vice-chair for one additional two-year term.

25 The Board of Transportation shall meet at least once a month at such regular meeting times as

26 the Board may by rule provide and at any place in the State as the Board may provide. The Board

27 may hold special meetings at any time at the call of the chair or any three members. The Board

28 shall have the power to adopt and enforce rules and regulations for the government of its business

29 and proceedings. The Board shall keep minutes of its meetings, which shall at all times be open

30 to public inspection. The majority of the Board shall constitute a quorum for the transaction of

31 business. Board members shall receive per diem and necessary travel and subsistence expenses

32 in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

33"

34 **SECTION 4.1.(b)** Notwithstanding the four-year terms outlined in

35 G.S. 143B-350(b), as amended by this section, the following voting members shall be appointed

36 to the Board of Transportation for a two-year term beginning July 1, 2023:

- 37 (1) The General Assembly shall appoint four distribution region members upon
- 38 recommendation of the President Pro Tempore of the Senate with one member
- 39 each from Distribution Regions A, C, E, and G.
- 40 (2) The General Assembly shall appoint four distribution region members upon
- 41 recommendation of the Speaker of the House of Representatives with one
- 42 member each from Distribution Regions A, C, E, and G.

43 All members appointed as provided in this subsection shall be subject to all other

44 provisions of G.S. 143B-350, as amended by this section.

45 **SECTION 4.1.(c)** This section is effective July 1, 2023. For Division members

46 continuing to serve after that date pursuant to G.S. 143B-350(d) until successors are appointed,

47 distribution region members appointed by the General Assembly upon recommendation of the

48 President Pro Tempore of the Senate in accordance with this section shall replace members from

49 Divisions 1, 2, 5, 7, 8, 11, and 13, and distribution region members appointed by the General

50 Assembly upon recommendation of the Speaker of the House of Representatives in accordance

51 with this section shall replace members from Divisions 3, 4, 6, 9, 10, 12, and 14.

1
2 **PART V. COASTAL RESOURCES COMMISSION**

3 **SECTION 5.1.(a)** G.S. 113A-104 reads as rewritten:

4 **"§ 113A-104. Coastal Resources Commission.**

5 ...

6 (b1) Composition. – The Coastal Resources Commission shall consist of 13 members as
7 follows:

- 8 (1) One appointed by the Governor who shall at the time of appointment be a
9 coastal property owner or experienced in land development.
- 10 ~~(2) One appointed by the Governor who shall at the time of appointment be a~~
11 ~~coastal property owner or experienced in land development.~~
- 12 (3) One appointed by the Governor who shall at the time of appointment be
13 actively connected with or have experience in engineering in the coastal area
14 or a marine-related science.
- 15 (4) One appointed by the Governor who shall at the time of appointment be
16 actively connected with or have experience in engineering in the coastal area
17 or a marine-related science.
- 18 ~~(5) One appointed by the Governor who shall at the time of appointment be~~
19 ~~actively connected with or have experience in coastal related business.~~
- 20 (6) One appointed by the Governor who shall at the time of appointment be
21 actively connected with or have experience in local government within the
22 coastal area.
- 23 ~~(7) One appointed by the Governor who shall at the time of appointment be~~
24 ~~actively connected with or have experience in coastal agriculture.~~
- 25 (8) One appointed by the Governor who shall at the time of appointment be
26 actively connected with or have experience in commercial fishing.
- 27 (9) One appointed by the Governor who shall at the time of appointment be
28 actively connected with or have experience in coastal forestry.
- 29 (9a) One appointed by the Commissioner of Insurance who shall at the time of
30 appointment be a coastal property owner or experienced in land development.
- 31 (10) One appointed by the General Assembly upon recommendation of the Speaker
32 of the House of Representatives in accordance with G.S. 120-121 who shall
33 at the time of appointment be actively connected with or have experience in
34 sports fishing.
- 35 (11) One appointed by the General Assembly upon recommendation of the Speaker
36 of the House of Representatives in accordance with G.S. 120-121 who shall
37 serve at large.
- 38 (11a) One appointed by the General Assembly upon recommendation of the Speaker
39 of the House of Representatives in accordance with G.S. 120-121 who shall
40 serve at large.
- 41 (12) One appointed by the General Assembly upon recommendation of the
42 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
43 shall at the time of appointment be actively connected with or have experience
44 in wildlife.
- 45 (13) One appointed by the General Assembly upon recommendation of the
46 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
47 shall serve at large.
- 48 (13a) One appointed by the General Assembly upon recommendation of the
49 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
50 shall serve at large.

1 (c) Appointment of Members. – As used in this section, the term "appointing authority"
2 means the Governor in the case of members appointed by the ~~Governor~~ Governor, the
3 Commissioner of Insurance in the case of the member appointed by the Commissioner of
4 Insurance, and means the General Assembly in the case of members appointed by the General
5 Assembly. Appointments to the Commission shall be made to provide knowledge and experience
6 in a diverse range of coastal interests. The members of the Commission shall serve and act on
7 the Commission solely for the best interests of the public and public trust, and shall bring their
8 particular knowledge and experience to the Commission for that end alone. Counties and cities
9 in the coastal area may designate and transmit to the appointing authorities no later than May 1
10 of each even-numbered year qualified persons in the categories set out in subsection (b1) of this
11 section corresponding to the Commission positions to be filled that year.

12 (c1) Restriction on Certain Members. – The members of the Commission whose
13 qualifications are described in subdivisions (3), (6), ~~(7)~~, (8), (9), (11), and (12) of subsection (b1)
14 of this section shall be persons who do not derive any significant portion of their income from
15 land development, construction, real estate sales, or lobbying and do not otherwise serve as
16 agents for development-related business activities.

17 (c2) Ethics. – All members of the Commission are covered persons for the purposes of
18 Chapter 138A of the General Statutes, the State Government Ethics Act. As covered persons,
19 members of the Commission shall comply with the applicable requirements of the State
20 Government Ethics Act, including mandatory training, the public disclosure of economic
21 interests, and ethical standards for covered persons. Members of the Commission shall comply
22 with the provisions of the State Government Ethics Act to avoid conflicts of interest. The
23 Governor may require additional disclosure of potential conflicts of interest by the members
24 described in subsection (c1) of this section. The Governor may promulgate criteria regarding
25 conflicts of interest and disclosure thereof for determining the eligibility of persons described in
26 subsection (c1) of this section.

27 (d) Repealed by Session Laws 2013-360, s. 14.24(a), effective July 1, 2013.

28 (e) Repealed by Session Laws 2013-360, s. 14.24(a), effective July 1, 2013.

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

33 (g) Terms. – The members shall serve staggered terms of office of four years. At the
34 expiration of each member's term, the appointing authority shall reappoint or replace the member
35 with a new member of like qualification as specified in subsection (b1) of this section.

36 (h) Vacancies. – In the event of a vacancy arising otherwise than by expiration of term,
37 the appointing authority shall appoint a successor of like qualification as specified in subsection
38 (b1) of this section who shall then serve the remainder of his predecessor's term.

39 (i) Officers. – The chairman ~~shall be designated by the Governor from among the~~
40 ~~members of the Commission to serve as chairman at the pleasure of the Governor. The~~ and
41 vice-chairman shall be elected by and from the members of the Commission and shall serve for
42 a term of two years or until the expiration of the vice-chairman's their regularly appointed
43 term/terms.

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

46 (k) Repealed by Session Laws 2013-360, s. 14.24(a), effective July 1, 2013.

47 (l) Attendance. – Regular attendance at Commission meetings is a duty of each member.
48 The Commission shall develop procedures for declaring any seat on the Commission to be vacant
49 upon failure by a member to perform this duty.

50 (m) Quorum. – A majority of the Commission shall constitute a quorum."

1 **SECTION 5.1.(b)** To minimize the impact of this section on the work of the
2 Commission, the seat eliminated by the repeal of G.S. 113A-104(b1)(2) in subsection (a) of this
3 section shall be the member who was at the time of appointment a coastal property owner or
4 experienced in land development and whose term expires on June 30, 2023.

5
6 **PART VI. WILDLIFE RESOURCES COMMISSION**

7 **SECTION 6.1.(a)** G.S. 143-241 reads as rewritten:

8 "**§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

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

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

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

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

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

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

25 Thereafter as the terms of office of the members of the Commission appointed by the
26 Governor from the several wildlife districts expire, their successors shall be appointed for terms
27 of six years each. As the terms of office of the members of the Commission appointed by the
28 General Assembly expire, their successors shall be appointed for terms of two years each. All
29 members appointed by the Governor serve at the pleasure of the Governor that appointed them
30 and they may be removed by that Governor at any time. A successor to the appointing Governor
31 may remove a Commission member only for cause as provided in G.S. 143B-13. Members
32 appointed by the General Assembly serve at the pleasure of that body and may be removed by
33 law at any time. In the event that a Commission member is removed, the member appointed to
34 replace the removed member shall serve only for the unexpired term of the removed member."

35 **SECTION 6.1.(b)** G.S. 143-241, as amended by subsection (a) of this section, reads
36 as rewritten:

37 "**§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

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

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

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

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

46 The Governor shall ~~also~~ appoint two at-large members one at-large member and the
47 Commissioner of Agriculture shall appoint one at-large member to serve four-year terms.

48 The General Assembly shall appoint 10 members of the Commission to serve two-year terms,
49 five upon the recommendation of the Speaker of the House, and five upon the recommendation
50 of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. Of the members
51 appointed upon the recommendation of the Speaker of the House and upon the recommendation

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

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

14 **SECTION 6.1.(c)** G.S. 143-242 reads as rewritten:

15 "**§ 143-242. Vacancies by death, resignation or otherwise.**

16 Appointments to fill vacancies of gubernatorial appointees on the Commission occurring by
17 reason of death, disability, resignation or otherwise shall be made by the Governor for the balance
18 of the unexpired terms by appointment of a member from the State at large, or from the
19 appropriate district in accordance with the procedure set out in G.S. 143-241. Appointments to
20 fill vacancies of those members of the Commission appointed by the General Assembly shall be
21 made under G.S. 120-122. Appointments to fill vacancies of members of the Commission
22 appointed by the Commissioner of Agriculture shall be made by the Commissioner of Agriculture
23 for the balance of the unexpired terms by appointment of a member from the State at large in
24 accordance with the procedure set out in G.S. 143-241. The Governor shall have the power to
25 remove any member of the Commission from office for misfeasance, malfeasance or
26 nonfeasance."

27 **SECTION 6.1.(d)** Subsections (b) and (c) of this section become effective June 30,
28 2025.

30 **PART VII. NORTH CAROLINA RAILROAD BOARD OF DIRECTORS**

31 **SECTION 7.1.(a)** G.S. 124-15 reads as rewritten:

32 "**§ 124-15. Board of directors; appointment and approval of encumbrances.**

33 (a) Notwithstanding subsection (a) of G.S. 124-6, for any State-owned railroad company
34 that has trackage in more than two counties, ~~seven~~ six of the members of the Board of Directors
35 shall be appointed by the Governor, one member of the Board of Directors shall be appointed by
36 the State Treasurer, three of the members of the Board of Directors shall be appointed by the
37 General Assembly upon the recommendation of the Speaker of the House of Representatives in
38 accordance with G.S. 120-121, and three of the members of the Board of Directors shall be
39 appointed by the General Assembly upon the recommendation of the President Pro Tempore of
40 the Senate in accordance with G.S. 120-121. The Board of Directors shall consist of 13 members.
41 Of the Governor's ~~seven~~ six appointments, one shall be from the appointees to the Board of
42 Transportation and one shall be the Secretary of Commerce or the Secretary's designee. ~~Of the~~
43 ~~initial members appointed by the Governor, three shall be appointed for terms of four years and~~
44 ~~four shall be appointed for terms of two years. Of the initial members recommended to the~~
45 ~~General Assembly by the Speaker of the House of Representatives, two shall be appointed for~~
46 ~~terms of four years and one shall be appointed for a term of two years. Of the initial members~~
47 ~~recommended to the General Assembly by the President Pro Tempore of the Senate, two shall~~
48 ~~be appointed for terms of four years and one shall be appointed for a term of two years. Thereafter~~
49 ~~all~~ All Board members shall serve four-year terms. The Board shall elect the chairman from
50 among its membership.

51"

1 **SECTION 7.1.(b)** The appointee of the Governor replaced by the appointee of the
2 State Treasurer because of the revision to G.S. 124-15 enacted in subsection (a) of this section
3 shall be one of the appointees of the Governor with a term expiring in 2023. The Board of
4 Directors shall determine which of these appointees will be replaced by the appointee of the State
5 Treasurer.

6 **SECTION 7.1.(c)** This section becomes effective on the date that revisions to the
7 Articles of Incorporation of a State-owned railroad to implement the changes in appointing
8 authority made by this section are enacted by the Board of Directors of the State-owned railroad
9 become effective. The railroad shall report to the Revisor of Statutes the effective date of those
10 changes.

11
12 **PART VIII. BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA**
13 **HEALTH CARE SYSTEM**

14 **SECTION 8.1.(a)** G.S. 116-37(b) reads as rewritten:

15 "(b) Board of Directors. – The board of directors of the University of North Carolina
16 Health Care System ~~is hereby restructured effective November 1, 2012;~~ shall be organized as
17 follows:

18 (1) The board of directors shall be composed of ~~24~~25 members as follows:

19 a. ~~Eight members ex officio shall be the President of The University of~~
20 ~~North Carolina (or the President's designee); the Chief Executive~~
21 ~~Officer of the University of North Carolina Health Care System; the~~
22 ~~Chancellor of the University of North Carolina at Chapel Hill and one~~
23 ~~additional administrative officer of the University of North Carolina at~~
24 ~~Chapel Hill designated by the Chancellor; the President of the~~
25 ~~University of North Carolina Hospitals; the President of the UNC~~
26 ~~Faculty Physicians; and two members of the faculty of the School of~~
27 ~~Medicine of the University of North Carolina at Chapel Hill~~
28 ~~designated by the Dean of the School of Medicine. If the Dean of the~~
29 ~~School of Medicine of the University of North Carolina at Chapel Hill~~
30 ~~does not also hold one of the positions designated as an ex officio~~
31 ~~member of the board, the Dean shall serve in one of the positions~~
32 ~~reserved for a member of the faculty.~~ Five ex officio members as
33 follows:

34 1. The President of The University of North Carolina or the
35 President's designee.

36 2. The Chief Executive Officer of the University of North
37 Carolina Health Care System.

38 3. The Chancellor of the University of North Carolina at Chapel
39 Hill.

40 4. Two individuals designated by the Chief Executive Officer
41 who meet the following criteria:

42 I. Both designees must be members of the executive staff
43 of the University of North Carolina Health Care
44 System.

45 II. At least one of the two designees must be a permanent
46 member of the faculty of the School of Medicine of the
47 University of North Carolina at Chapel Hill.

48 III. One of the designees must have primary responsibility
49 for hospital leadership.

50 IV. One of the designees must have primary responsibility
51 for physician leadership.

- 1 a1. Eight members at large shall be appointed by the General Assembly
2 as follows:
- 3 1. One member shall be appointed by the General Assembly upon
4 recommendation of the Speaker of the House of
5 Representatives annually.
- 6 2. One member shall be appointed by the General Assembly upon
7 recommendation of the President Pro Tempore of the Senate
8 annually.
- 9 b. ~~Sixteen members at large shall be appointed for four year terms,~~
10 ~~commencing on November 1 of the year of appointment. Twelve of~~
11 ~~the members at large shall be appointed by the President of The~~
12 ~~University of North Carolina and confirmed by the Board of~~
13 ~~Governors after consultation with the President of The University of~~
14 ~~North Carolina. Four of the members at large shall be appointed by the~~
15 ~~board of directors. Governors. The President shall appoint a slate of~~
16 ~~three members annually for confirmation by the Board of Governors.~~
- 17 e. ~~The initial class of at large members shall be composed of the~~
18 ~~following individuals:~~
- 19 1. ~~The persons who hold the appointed memberships on the board~~
20 ~~of directors as of October 31, 2012, and whose terms do not~~
21 ~~expire on that date. The terms of membership for these at large~~
22 ~~members will expire on the last day of October of the year in~~
23 ~~which their term would have expired.~~
- 24 2. ~~Three persons appointed by the Board of Governors after~~
25 ~~consultation with the President of The University of North~~
26 ~~Carolina whose terms will commence on November 1, 2012,~~
27 ~~and will expire on October 31, 2016.~~
- 28 3. ~~One person appointed by the board of directors whose term~~
29 ~~will commence on November 1, 2012, and will expire on~~
30 ~~October 31, 2016.~~
- 31 ~~The Board of Governors shall appoint successor at large members~~
32 ~~for those members whose terms end on October 31, 2013, October 31,~~
33 ~~2014, and four of the five members whose terms end on October 31,~~
34 ~~2016. The board of directors shall appoint successor at large members~~
35 ~~for those members whose terms end on October 31, 2015, and one of~~
36 ~~the five members whose terms end on October 31, 2016.~~
- 37 d. All at-large positions shall serve four-year terms beginning November
38 1 of the year of appointment. At-large positions shall be filled by the
39 appointment of persons from the business and professional public at
40 large who have special competence in business management, hospital
41 administration, health care delivery, or medical practice or who
42 otherwise have demonstrated dedication to the improvement of health
43 care in North Carolina, and who are neither Carolina. At-large
44 positions shall not be filled by any of the following:
- 45 1. ~~members~~ Members of the Board of ~~Governors,~~ Governors.
- 46 2. ~~members~~ Members of the board of trustees of a constituent
47 institution of The University of North ~~Carolina,~~ nor Carolina.
- 48 3. ~~officers~~ Officers or employees of the State.
- 49 4. Individuals required by Chapter 120C of the General Statutes
50 to register as lobbyists on or during any of the following:

- 1 I. The two years immediately preceding the effective date
- 2 of appointment.
- 3 II. The effective date of the appointment.
- 4 III. At any point during the term of appointment.
- 5 e. No member may be appointed to more than two full four-year terms
- 6 in ~~succession, including members serving as of June 30, 2012,~~
- 7 ~~succession.~~
- 8 f. Any vacancy in an unexpired term shall be filled by the appointing
- 9 authority for the ~~balance of the term remaining-remainder~~ of the
- 10 unexpired term. Vacancies for members appointed by the General
- 11 Assembly shall be filled as provided in G.S. 120-122. Vacancies for
- 12 members appointed by the President of The University of North
- 13 Carolina shall be confirmed by the Board of Governors.
- 14 g. Whenever an at-large member shall fail, for any reason other than ill
- 15 health or service in the interest of the State or nation, to be present for
- 16 three successive regular meetings of the board of directors, that
- 17 at-large member's place as a member shall be deemed vacant.
- 18 ...
- 19 (5) The board of directors shall operate according to the following principles:
- 20 a. All members of the board of directors shall be considered fiduciaries
- 21 of the University of North Carolina Health Care System and shall be
- 22 responsible for the following:
- 23 1. Discharging their duties to the System with care, skill,
- 24 prudence, and diligence.
- 25 2. Acting in good faith and in the best interests of the System.
- 26 3. Conducting themselves, at all times, in furtherance of the
- 27 System's organizational goals and not the member's personal
- 28 or business interests.
- 29 4. Providing oversight to ensure that the System's resources are
- 30 dedicated to the fulfillment of its mission.
- 31 5. Becoming knowledgeable about issues that affect the System.
- 32 b. The authority of board members shall be collective, not individual, and
- 33 shall only arise from each member's participation with other members
- 34 of the board of directors when officially convened. Individual board
- 35 members shall hold no authority to exercise administrative or
- 36 executive functions on behalf of the System, which shall be vested in
- 37 the Chief Executive Officer of the System. Individual board members
- 38 may not bind the board of directors or the System, enter into contracts
- 39 on behalf of the board of directors or the System, or otherwise act on
- 40 behalf of or in the name of the board of directors or System unless
- 41 authorized to do so by official action of the board of directors or the
- 42 Chief Executive Officer.
- 43 c. Board members shall adhere to the highest standards of ethical conduct
- 44 by complying with laws, regulations, and System policies applicable
- 45 to their service."

46 **SECTION 8.1.(b)** The terms of office for all ex officio members of the board of
 47 directors of the University of North Carolina Health Care System repealed by this section shall
 48 expire on the date this act becomes law. All at-large members of the board of directors of the
 49 University of North Carolina Health Care System serving as of July 1, 2023, shall remain in
 50 office until their current term of appointment expires. Any vacancy occurring in a seat appointed
 51 by the board of directors expiring October 31, 2024, shall be filled by the General Assembly

1 upon recommendation of the Speaker of the House of Representatives for the remainder of that
2 term of office.

3 **SECTION 8.1.(c)** Notwithstanding the requirement for annual appointments by the
4 General Assembly established by G.S. 116-37(b)(1)a1. and length of terms established by
5 G.S. 116-37(b)(1)d., as enacted and amended by this section, the following appointments shall
6 be made in 2023:

- 7 (1) For a term beginning the date this act becomes law, and ending October 31,
8 2027, one member shall be appointed by the General Assembly upon
9 recommendation of the Speaker of the House of Representatives and one
10 member shall be appointed by the General Assembly upon recommendation
11 of the President Pro Tempore of the Senate. Members appointed to fill those
12 terms of office in 2027 shall be appointed to four-year terms of office as
13 provided in G.S. 116-37(b)(1)d. These members shall fill seats vacated by the
14 prior ex officio members of the board.
- 15 (2) For a term beginning the date this act becomes law, and ending October 31,
16 2026, one member shall be appointed by the General Assembly upon
17 recommendation of the Speaker of the House of Representatives and one
18 member shall be appointed by the General Assembly upon recommendation
19 of the President Pro Tempore of the Senate. Members appointed to fill those
20 terms of office in 2026 shall be appointed to four-year terms of office as
21 provided in G.S. 116-37(b)(1)d. These members shall fill seats vacated by the
22 prior ex officio members of the board.
- 23 (3) For a term beginning October 1, 2023, and ending October 31, 2025, one
24 member shall be appointed by the General Assembly upon recommendation
25 of the President Pro Tempore of the Senate. The member appointed to fill that
26 term of office in 2025 shall be appointed to a four-year term of office as
27 provided in G.S. 116-37(b)(1)d. This member shall fill a position expiring in
28 2023 held by a board of trustee appointment.
- 29 (4) For a term beginning October 1, 2023, and ending October 31, 2024, one
30 member shall be appointed by the General Assembly upon recommendation
31 of the President Pro Tempore of the Senate. This member shall fill a position
32 expiring in 2023 held by a board of trustee appointment.
- 33 (5) For a term beginning October 1, 2023, and ending October 31, 2025, one
34 member shall be appointed by the General Assembly upon recommendation
35 of the Speaker of the House of Representatives. The member appointed to fill
36 that term of office in 2025 shall be appointed to a four-year term of office as
37 provided in G.S. 116-37(b)(1)d. This member shall fill a position expiring in
38 2023 held by a board of trustee appointment.

39 **SECTION 8.1.(d)** In accordance with the requirements of G.S. 116-37(b)(1)a1., in
40 2024, the General Assembly shall make the following appointments:

- 41 (1) Upon recommendation of the Speaker of the House of Representatives,
42 appoint one member to the board for the expiring position held by the board
43 of trustee appointment expiring in 2024. The member appointed to fill that
44 term of office in 2024 shall be appointed to a four-year term of office as
45 provided in G.S. 116-37(b)(1)d.
- 46 (2) Upon recommendation of the President Pro Tempore of the Senate, appoint
47 one member to the board for the expiring one-year term appointed by the
48 General Assembly upon the recommendation of the President Pro Tempore in
49 2023. The member appointed to fill that term of office in 2024 shall be
50 appointed to a four-year term of office as provided in G.S. 116-37(b)(1)d.

1 **SECTION 8.1.(e)** Notwithstanding the requirement for the President of The
2 University of North Carolina to appoint three members annually for confirmation by the Board
3 of Governors, established by G.S. 116-37(b)(1)b., and length of terms established by
4 G.S. 116-37(b)(1)d., as amended by this section, appointments shall be made by the President of
5 The University of North Carolina and confirmed by the Board of Governors as follows in 2023,
6 2024, 2025, and 2026:

- 7 (1) No appointments shall be made in 2023.
- 8 (2) In 2024, the President shall appoint three members to terms ending October
9 31, 2028, and one member to a term ending October 31, 2027. Members
10 appointed to fill those terms of office when expired shall be appointed to
11 four-year terms of office as provided in G.S. 116-37(b)(1)d.
- 12 (3) In 2025, the President shall appoint one member to a term of office ending
13 October 31, 2029. The member appointed to fill that term of office when
14 expired shall be appointed to a four-year term of office as provided in
15 G.S. 116-37(b)(1)d.
- 16 (4) In 2026, the President shall appoint three members to terms ending October
17 31, 2030, two members to terms of office ending October 31, 2029, and two
18 members to terms of office ending October 31, 2027. Members appointed to
19 fill those terms of office when expired shall be appointed to four-year terms
20 of office as provided in G.S. 116-37(b)(1)d.

21 **PART X. UTILITIES COMMISSION**

22 **SECTION 10.1.(a)** G.S. 62-10 reads as rewritten:

23 "**§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies;**
24 **compensation; other employment prohibited.**

25 (a) The North Carolina Utilities Commission shall consist of ~~seven commissioners who~~
26 shall be five commissioners who shall be appointed as follows: three by the Governor, one by
27 the General Assembly, upon the recommendation of the Speaker of the House of Representatives
28 in accordance with G.S. 120-121, and one by the General Assembly, upon the recommendation
29 of the President Pro Tempore of the Senate in accordance with G.S. 120-121. Each commissioner
30 shall serve for a term of six years commencing on July 1 of the year in which the predecessor
31 term expired and ending on June 30 of the sixth year thereafter. Commissioners appointed by the
32 Governor are subject to confirmation by the General Assembly by joint resolution. The names of
33 commissioners to be appointed by the Governor shall be submitted by the Governor to the
34 General Assembly for confirmation by the General Assembly on or before May 1, of the year in
35 which the terms for which the appointments are to be made are to expire. Upon failure of the
36 Governor to submit names as herein provided, the Lieutenant Governor-President Pro Tempore
37 of the Senate and Speaker of the House of Representatives jointly shall submit the names of a
38 like number of commissioners to the General Assembly on or before May 15 of the same year
39 for confirmation by the General Assembly. Regardless of the way in which names of
40 commissioners are submitted, confirmation of commissioners must be accomplished prior to
41 adjournment of the then current session of the General Assembly. This subsection shall be subject
42 to the provisions of subsection (c) of this section.

43 (b) ~~The terms of the commissioners now serving shall expire at the conclusion of the term~~
44 ~~for which they were appointed which shall remain as before with two regular eight year terms~~
45 ~~expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on July 1 of~~
46 ~~each eighth year after July 1, 1963. The terms of office of utilities commissioners thereafter shall~~
47 ~~be six years commencing on July 1 of the year in which the predecessor terms expired, and ending~~
48 ~~on July 1 of the sixth year thereafter.~~

49 (c) ~~In order to increase the number of commissioners to seven, the names of two~~
50 ~~additional commissioners shall be submitted to the General Assembly on or before May 27, 1975,~~
51

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

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

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

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

15 (f) In case of death, incapacity, resignation or vacancy for any other reason in the office
16 of any commissioner appointed by the Governor prior to the expiration of his the commissioner's
17 term of office, the name of his successor shall be submitted by the Governor within four weeks
18 after the vacancy arises to the General Assembly for confirmation by the General Assembly. the
19 name of the successor shall be submitted to the General Assembly by the Governor within four
20 weeks after the vacancy arises for confirmation by the General Assembly. Upon failure of the
21 Governor to submit the name of the successor, the ~~Lieutenant Governor~~ President Pro Tempore
22 and Speaker of the House jointly shall submit the name of a successor to the General Assembly
23 within six weeks after the vacancy arises. Regardless of the way in which names of
24 commissioners are submitted, confirmation of commissioners must be accomplished prior to the
25 adjournment of the then current session of the General Assembly. In case of death, incapacity,
26 resignation, or vacancy for any other reason in the office of any commissioner appointed by the
27 General Assembly prior to the expiration of the commissioner's term of office, the vacancy shall
28 be filled as provided in G.S. 120-122.

29 (g) If a vacancy arises or exists pursuant to either subsection (a) ~~or (e)~~ or (f) of this section
30 when the General Assembly is not in session, and the appointment is deemed urgent by the
31 Governor, the commissioner may be appointed and serve on an interim basis pending
32 confirmation by the General Assembly; provided, however, no person may be appointed to serve
33 on an interim basis pending confirmation by the General Assembly if the person was subject to
34 but not confirmed by the General Assembly within the preceding four years. The limitation on
35 appointment contained in this subsection includes, among other things, unfavorable action on a
36 joint resolution for confirmation, such as the resolution failing on any reading in either chamber
37 of the General Assembly, and failure to ratify a joint resolution for confirmation prior to
38 adjournment of the then current session of the General Assembly.

39"

40 **SECTION 10.1.(b)** In order to decrease the number of commissioners to five, two
41 of the three terms expiring on June 30, 2025, shall expire, and upon expiration, no additional
42 appointments for those two terms shall be made.

43 **SECTION 10.1.(c)** Notwithstanding G.S. 62-10, as amended by this act, the terms
44 of the commissioners now serving shall expire at the conclusion of the term for which they were
45 appointed. Upon the expiration of the terms of the commissioners now serving, appointments to
46 the Commission shall be made as follows:

- 47 (1) For the two terms expiring June 30, 2023, one commissioner shall be
48 appointed by the General Assembly, upon recommendation of the Speaker of
49 the House of Representatives in accordance with G.S. 120-121, and one by
50 the General Assembly, upon recommendation of the President Pro Tempore
51 of the Senate in accordance with G.S. 120-121.

- 1 (2) For one of the three terms expiring on June 30, 2025, one commissioner shall
2 be appointed by the Governor.
- 3 (3) For the term expiring June 30, 2027, one commissioner shall be appointed by
4 the Governor.
- 5 (4) For the term expiring June 30, 2029, one commissioner shall be appointed by
6 the Governor.

7

8 **PART XI. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA**

9 **SECTION 11.1.(a)** G.S. 116-5 is repealed.

10 **SECTION 11.1.(b)** G.S. 116-6 reads as rewritten:

11 **"§ 116-6. Election and terms of members of Board of Governors.**

12 (a) ~~As the terms of members of the Board of Governors provided for in G.S. 116-5 expire,~~
13 ~~their successors shall be elected by the Senate and House of Representatives. Twelve members~~
14 ~~shall be elected at the regular legislative session in 2017 and every two years thereafter. The~~
15 ~~Senate and the House of Representatives shall each elect one half of the persons necessary to fill~~
16 ~~the vacancies on the Board of Governors. Members of the Board of Governors shall be elected as~~
17 ~~follows:~~

18 (1) Twelve members of the Board of Governors shall be elected by resolution of
19 the House of Representatives. Six members shall be elected at the regular
20 legislative session in 2025 and every two years thereafter.

21 (2) Twelve members of the Board of Governors shall be elected by the Senate.
22 Six members shall be elected at the regular legislative session in 2025 and
23 every two years thereafter. In electing members to the Board of Governors,
24 the Senate shall select from a slate of candidates. The slate shall be prepared
25 as provided by resolution of the Senate. If a sufficient number of nominees
26 who are legally qualified are submitted, then the slate of candidates shall list
27 at least twice the number of candidates for the total seats open. All qualified
28 candidates shall compete against all other qualified candidates. The Senate
29 shall hold its elections within 30 legislative days after appointments to its
30 education committee are complete.

31 (b) Repealed by Session Laws 2001-503, s. 1, effective December 19, 2001.

32 (c) ~~In electing members to the Board of Governors, the Senate and the House of~~
33 ~~Representatives shall select from a slate of candidates made in each house. The slate shall be~~
34 ~~prepared as provided by resolution of each house. If a sufficient number of nominees who are~~
35 ~~legally qualified are submitted, then the slate of candidates shall list at least twice the number of~~
36 ~~candidates for the total seats open. All qualified candidates shall compete against all other~~
37 ~~qualified candidates. In 1993 and biennially thereafter, each house shall hold their elections~~
38 ~~within 30 legislative days after appointments to their education committees are complete.~~

39 (d) All terms shall commence on July 1 of odd-numbered years and all members shall
40 serve for four-year overlapping terms.

41 (e) ~~Beginning with elections held on or after January 1, 2017, no~~ No person may be
42 elected to serve more than three full four-year terms. ~~Election Service~~ for a partial term to fill a
43 vacancy as provided in G.S. 116-7 shall not count toward the three-term limitation.

44 (f) Any person who has served at least one full term as ~~chairman~~ chair of the Board of
45 Governors shall be a member emeritus of the Board of Governors for one four-year term
46 beginning at the expiration of that member's ~~regular elected~~ term. ~~Any person already serving as~~
47 ~~an emeritus member may serve an additional four year term beginning July 1, 1991.~~ Members
48 emeriti have all the rights and privileges of membership except they do not have a vote.

49 (g) ~~Effective July 1, 1991, and thereafter, any~~ Any person who has served at least one
50 term as a member of the Board of Governors after having served as Governor of North Carolina

1 shall be a member emeritus of the Board of Governors, with all the rights and privileges of
2 membership as in G.S. 116-6(f)."

3 **SECTION 11.1.(c)** Notwithstanding G.S. 116-6(a), as amended by this section,
4 members elected to the Board of Governors as of the effective date of this section shall serve the
5 remainder of their terms.

6 **SECTION 11.1.(d)** This section is effective when it becomes law.
7

8 **PART XII. BOARDS OF TRUSTEES OF NORTH CAROLINA STATE UNIVERSITY**
9 **AND THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

10 **SECTION 12.1.(a)** G.S. 116-31 reads as rewritten:

11 "**§ 116-31. Membership of the boards of trustees.**

12 ...

13 (d) Except as provided in G.S. 116-31.5, G.S. 116-31.7, and G.S. 116-65, each of the 16
14 institutions of higher education set out in G.S. 116-2(4) shall have board of trustees composed of
15 13 persons chosen as follows:

16 (1) Eight elected by the Board of Governors.

17 (2) Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 35, effective December
18 19, 2016. See editor's note for applicability.

19 (2a) Four members appointed by the General Assembly under G.S. 120-121, two
20 of whom shall be appointed upon the recommendation of the President Pro
21 Tempore of the Senate and two of whom shall be appointed upon the
22 recommendation of the Speaker of the House of Representatives.

23 (3) The president of the student government ex officio.

24 The Board of Trustees of the North Carolina School of Science and Mathematics shall be
25 established in accordance with G.S. 116-233.

26 (e) The term of office of all trustees, except the ex officio member, shall be four years,
27 commencing on July 1 of odd-numbered years. In every odd-numbered year the Board of
28 Governors shall elect four persons to each board of trustees ~~and~~ and, except as provided in
29 G.S. 116-31.5 and G.S. 116-31.7, the General Assembly shall appoint one person upon the
30 recommendation of the President Pro Tempore of the Senate and one person upon the
31 recommendation of the Speaker of the House of Representatives to each such board.

32 (f) In electing boards of trustees to serve commencing July 1, 1973, the Board of
33 Governors shall designate four persons for four-year terms and four for two-year terms. The
34 Governor, in making appointments of trustees to serve commencing July 1, 1973, shall designate
35 two persons for four-year terms and two for two-year terms.

36 (g) Any person who has served two full four-year terms in succession as a member of a
37 board of trustees shall, for a period of one year, be ineligible for election or appointment to the
38 same board but may be elected or appointed to the board of another institution.

39"

40 **SECTION 12.1.(b)** Article 1 of Chapter 116 of the General Statutes is amended by
41 adding a new section to read:

42 "**§ 116-31.5. North Carolina State University Board of Trustees.**

43 (a) Notwithstanding G.S. 116-31(d) and (e), all of the following shall apply to the North
44 Carolina State University Board of Trustees:

45 (1) The Board of Trustees shall be composed of 15 persons chosen as follows:

46 a. Eight members elected by the Board of Governors.

47 b. Six members appointed by the General Assembly under G.S. 120-121,
48 three of whom shall be appointed upon the recommendation of the
49 President Pro Tempore of the Senate and three of whom shall be
50 appointed upon the recommendation of the Speaker of the House of
51 Representatives.

- 1 c. The president of the student government ex officio.
2 (2) Beginning July 1, 2025, and every four years thereafter, the General Assembly
3 shall appoint one person upon the recommendation of the President Pro
4 Tempore of the Senate and one person upon the recommendation of the
5 Speaker of the House of Representatives to the Board of Trustees.
6 (3) Beginning July 1, 2027, and every four years thereafter, the General Assembly
7 shall appoint two persons upon the recommendation of the President Pro
8 Tempore of the Senate and two persons upon the recommendation of the
9 Speaker of the House of Representatives to the Board of Trustees.
10 (b) Except as provided in this section, the requirements of G.S. 116-31 shall apply to the
11 North Carolina State University Board of Trustees."

12 **SECTION 12.1.(c)** Article 1 of Chapter 116 of the General Statutes is amended by
13 adding a new section to read:

14 "**§ 116-31.7. University of North Carolina at Chapel Hill Board of Trustees.**

15 (a) Notwithstanding G.S. 116-31(d) and (e), all of the following shall apply to the
16 University of North Carolina at Chapel Hill Board of Trustees:

- 17 (1) The Board of Trustees shall be composed of 15 persons chosen as follows:
18 a. Eight members elected by the Board of Governors.
19 b. Six members appointed by the General Assembly under G.S. 120-121,
20 three of whom shall be appointed upon the recommendation of the
21 President Pro Tempore of the Senate and three of whom shall be
22 appointed upon the recommendation of the Speaker of the House of
23 Representatives.
24 c. The president of the student government ex officio.
25 (2) Beginning July 1, 2025, and every four years thereafter, the General Assembly
26 shall appoint one person upon the recommendation of the President Pro
27 Tempore of the Senate and one person upon the recommendation of the
28 Speaker of the House of Representatives to the Board of Trustees.
29 (3) Beginning July 1, 2027, and every four years thereafter, the General Assembly
30 shall appoint two persons upon the recommendation of the President Pro
31 Tempore of the Senate and two persons upon the recommendation of the
32 Speaker of the House of Representatives to the Board of Trustees.
33 (b) Except as provided in this section, the requirements of G.S. 116-31 shall apply to the
34 University of North Carolina at Chapel Hill Board of Trustees."

35 **SECTION 12.1.(d)** Notwithstanding G.S. 116-31.5, as enacted by this section, the
36 General Assembly shall appoint two additional members of the North Carolina State University
37 Board of Trustees to terms beginning on the date of appointment and expiring June 30, 2027. In
38 accordance with G.S. 120-121, one appointment shall be upon the recommendation of the
39 President Pro Tempore of the Senate and one appointment shall be upon the recommendation of
40 the Speaker of the House of Representatives. A term served pursuant to this subsection shall not
41 count as a full four-year term under G.S. 116-31(g).

42 **SECTION 12.1.(e)** Notwithstanding G.S. 116-31.7, as enacted by this section, the
43 General Assembly shall appoint two additional members of the University of North Carolina at
44 Chapel Hill Board of Trustees to terms beginning on the date of appointment and expiring June
45 30, 2027. In accordance with G.S. 120-121, one appointment shall be upon the recommendation
46 of the President Pro Tempore of the Senate and one appointment shall be upon the
47 recommendation of the Speaker of the House of Representatives. A term served pursuant to this
48 subsection shall not count as a full four-year term under G.S. 116-31(g).

49 **SECTION 12.1.(f)** This section is effective when it becomes law.

50
51 **PART XIII. MISCELLANEOUS**

1 **SECTION 13.1.** If any section or provision of this act is declared unconstitutional
2 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than
3 the part so declared to be unconstitutional or invalid.
4 **SECTION 13.2.** Except as otherwise provided, this act is effective when it becomes
5 law.