

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1120

Short Title: Reconstitute Various Boards & Commissions. (Public)

Sponsors: Representative McGrady.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government II, if favorable, Rules, Calendar, and Operations of the House

December 5, 2018

A BILL TO BE ENTITLED

AN ACT TO RECONSTITUTE SEVERAL BOARDS AND COMMISSIONS HELD TO HAVE UNCONSTITUTIONALLY APPOINTED MEMBERSHIP PURSUANT TO MCCRORY V. BERGER AND COOPER V. BERGER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-168.4 reads as rewritten:

"§ 143B-168.4. Child Care Commission – members; selection; quorum.

(a) The Child Care Commission of the Department of Health and Human Services shall consist of 17 members. ~~Seven-Nine~~ of the members shall be appointed by the Governor and ~~10~~ eight by the General Assembly, ~~five-four~~ upon the recommendation of the President Pro Tempore of the Senate, and ~~five-four~~ upon the recommendation of the Speaker of the House of Representatives. Four of the members appointed by the Governor, two by the General Assembly on the recommendation of the President Pro Tempore of the Senate, and two by the General Assembly on the recommendation of the Speaker of the House of Representatives, shall be members of the public who are not employed in, or providing, child care and who have no financial interest in a child care facility. Two of the foregoing public members appointed by the Governor, one of the foregoing public members recommended by the President Pro Tempore of the Senate, and one of the foregoing public members recommended by the Speaker of the House of Representatives shall be parents of children receiving child care services. Of the remaining two public members appointed by the Governor, one shall be a pediatrician currently licensed to practice in North Carolina. Three of the members appointed by the Governor shall be child care providers, one of whom shall be affiliated with a ~~for-profit~~for-profit child care center, one of whom shall be affiliated with a ~~for-profit~~for-profit family child care home, and one of whom shall be affiliated with a nonprofit facility. Two of the members appointed by the Governor shall be early childhood education specialists. Two of the members appointed by the General Assembly on the recommendation of the President Pro Tempore of the Senate, and two by the General Assembly on recommendation of the Speaker of the House of Representatives, shall be child care providers, one affiliated with a ~~for-profit~~for-profit child care facility, and one affiliated with a nonprofit child care facility. ~~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 appoint two early childhood education specialists. None of the members may be employees of the State.~~

(b) Members shall be appointed as follows:



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- 1 (1) Of the Governor's initial appointees, ~~four~~ five shall be appointed for terms
2 expiring June 30, ~~2015, 2019~~, and ~~three~~ four shall be appointed for terms
3 expiring June 30, ~~2016; 2020~~.
- 4 (2) Of the General Assembly's initial appointees appointed upon recommendation
5 of the President Pro Tempore of the Senate, ~~three~~ two shall be appointed for
6 terms expiring June 30, ~~2015, 2019~~, and two shall be appointed for terms
7 expiring June 30, ~~2016; 2020~~.
- 8 (3) Of the General Assembly's initial appointees appointed upon recommendation
9 of the Speaker of the House of Representatives, two shall be appointed for
10 terms expiring June 30, ~~2015, 2019~~, and ~~three~~ two shall be appointed for terms
11 expiring June 30, ~~2016; 2020~~.

12 Appointments by the General Assembly shall be made in accordance with G.S. 120-121.
13 After the initial appointees' terms have expired, all members shall be appointed to serve two-year
14 terms. Any appointment to fill a vacancy on the Commission created by the resignation,
15 dismissal, death, or disability of a member shall be for the balance of the unexpired term.

16 (c) A vacancy occurring during a term of office is filled:

- 17 (1) By the Governor, if the Governor made the initial appointment;
18 (2) By the General Assembly, if the General Assembly made the initial
19 appointment in accordance with G.S. 120-122.

20 At its first meeting the Commission members shall elect a ~~chairman~~ Chair to serve a ~~two-year~~
21 ~~term-term~~ term expiring June 30, 2020. ~~Chairmen~~ A successor Chair shall be elected for two-year
22 terms thereafter. The same member may serve as ~~chairman~~ Chair for two consecutive terms.

23 Commission members may be removed pursuant to G.S. 143B-13(d).

24 Commission members may be reappointed and may succeed themselves for a maximum of
25 four consecutive terms.

26 The Commission shall meet quarterly, and at other times at the call of the ~~chairman~~ Chair or
27 upon written request of at least six members.

28 The members of the Commission shall receive per diem and necessary travel and subsistence
29 expenses in accordance with the provisions of G.S. 138-5. A majority of the Commission shall
30 constitute a quorum for the transaction of business.

31 All clerical and other services required by the Commission shall be supplied by the Secretary
32 of Health and Human Services."

33 **SECTION 2.** G.S. 143B-135.240 reads as rewritten:

34 "**§ 143B-135.240. Clean Water Management Trust Fund: Board of Trustees established;
35 membership qualifications; vacancies; meetings and meeting facilities.**

36 (a) Board of Trustees Established. – There is established the Clean Water Management
37 Trust Fund Board of Trustees. The Clean Water Management Trust Fund Board of Trustees shall
38 be administratively located within the Department of Natural and Cultural Resources.

39 (b) Membership. – The Clean Water Management Trust Fund Board of Trustees shall be
40 composed of nine members appointed to three-year terms as follows:

- 41 (1) One member appointed by the Governor to a term that expires on July 1 of
42 years that precede by one year those years that are evenly divisible by three.
- 43 (2) One member appointed by the Governor to a term that expires on July 1 of
44 years that follow by one year those years that are evenly divisible by three.
- 45 (3) ~~One member~~ Three members appointed by the Governor to ~~a term~~ terms that
46 ~~expires-expire~~ on July 1 of years that are evenly divisible by three.
- 47 (4) One member appointed by the General Assembly upon the recommendation
48 of the President Pro Tempore of the Senate to a term that expires on July 1 of
49 years that precede by one year those years that are evenly divisible by three.

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

18 The initial terms of members appointed pursuant to subdivision (3) of this subsection shall
19 expire June 30, 2019. The initial terms of members appointed pursuant to subdivisions (2), (5),
20 and (6) of this subsection shall expire June 30, 2020. The initial terms of members appointed
21 pursuant to subsections (1), (4), and (7) of this subsection shall expire June 30, 2021.

22 (c) Qualifications. – The office of Trustee is declared to be an office that may be held
23 concurrently with any other executive or appointive office, under the authority of Article VI,
24 Section 9, of the North Carolina Constitution. When appointing members of the Authority, the
25 Governor, the President Pro Tempore of the Senate, and the Speaker of the House of
26 Representatives shall give consideration to adequate representation from the various regions of
27 the State and shall give consideration to the appointment of members who are knowledgeable in
28 any of the following areas:

- 29 (1) Acquisition and management of natural areas.
30 (2) Conservation and restoration of water quality.
31 (3) Wildlife and fisheries habitats and resources.
32 (4) Environmental management.
33 (5) Historic preservation.

34 (d) Limitation on Length of Service. – No member of the Board of Trustees shall serve
35 more than two consecutive three-year terms or a total of 10 years.

36 (e) Chair. – The Governor shall appoint one member to serve as Chair of the Board of
37 Trustees.

38 (e1) Removal. – Members of the Board of Trustees may be removed pursuant to
39 G.S. 143B-16.

40 (f) Vacancies. – An appointment to fill a vacancy on the Board of Trustees created by
41 the resignation, removal, disability, or death of a member shall be for the balance of the unexpired
42 term. Vacancies in appointments made by the General Assembly shall be filled as provided in
43 G.S. 120-122.

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

46 (h) Quorum. – A majority of the membership of the Board of Trustees constitutes a
47 quorum for the transaction of business.

48 (i) Per Diem and Expenses. – Each member of the Board of Trustees shall receive per
49 diem and necessary travel and subsistence expenses in accordance with the provisions of
50 G.S. 120-3.1, 138-5, and 138-6, as applicable. Per diem, subsistence, and travel expenses of the
51 Trustees shall be paid from the Fund."

1 **SECTION 3.** G.S. 143B-135.202 reads as rewritten:

2 "**§ 143B-135.202. North Carolina Parks and Recreation Authority; members; selection;**
3 **compensation; meetings.**

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

9 (1) One member appointed by the Governor.

10 (2) One member appointed by the Governor.

11 (3) One member appointed by the Governor.

12 (4) One member appointed by the ~~General Assembly upon the recommendation~~
13 ~~of the Speaker of the House of Representatives, as provided in G.S.~~
14 ~~120-121.~~Governor.

15 (5) One member appointed by the ~~General Assembly upon the recommendation~~
16 ~~of the Speaker of the House of Representatives, as provided in G.S.~~
17 ~~120-121.~~Governor.

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

20 (7) One member appointed by the General Assembly upon the recommendation
21 of the ~~President Pro Tempore of the Senate,~~Speaker of the House of
22 Representatives, as provided in G.S. 120-121.

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

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

27 (b) Terms. – Members shall serve staggered terms of office of three years. Members shall
28 serve no more than two consecutive three-year terms. After serving two consecutive three-year
29 terms, a member is not eligible for appointment to the Authority for at least one year after the
30 expiration date of that member's most recent term. Upon the expiration of a three-year term, a
31 member may continue to serve until a successor is appointed and duly qualified as provided by
32 G.S. 128-7. The terms of members appointed under ~~subdivision subdivisions (1), (5), or (8)-(2),~~
33 and (3) of subsection (a) of this section shall expire on ~~July 1~~June 30 of years that are evenly
34 divisible by ~~three~~three, with the initial appointments expiring June 30, 2019. The terms of
35 members appointed under ~~subdivision subdivisions (2), (4), or (7)(6), and (8)~~ of subsection (a)
36 of this section shall expire on ~~July 1~~June 30 of years that follow by one year those years that are
37 evenly divisible by ~~three~~three, with the initial appointments expiring July 1, 2020. The terms of
38 members appointed under ~~subdivision (3), (6), or subdivisions (5), (7), and (9)~~ of subsection (a)
39 of this section shall expire on ~~July 1~~June 30 of years that precede by one year those years that are
40 evenly divisible by ~~three~~three, with the initial appointments expiring July 1, 2021.

41 (c) Chair. – The Governor shall appoint one member of the North Carolina Parks and
42 Recreation Authority to serve as Chair.

43 (d) Vacancies. – A vacancy on the North Carolina Parks and Recreation Authority shall
44 be filled by the appointing authority responsible for making the appointment to that position as
45 provided in subsection (a) of this section. An appointment to fill a vacancy shall be for the
46 unexpired balance of the term.

47 (e) Removal. – The Governor may remove, as provided in Article 10 of Chapter 143C of
48 the General Statutes any member of the North Carolina Parks and Recreation Authority appointed
49 by the Governor for misfeasance, malfeasance, or nonfeasance. The General Assembly may
50 remove any member of the North Carolina Parks and Recreation Authority appointed by the
51 General Assembly for misfeasance, malfeasance, or nonfeasance.

1 (f) Compensation. – The members of the North Carolina Parks and Recreation Authority
2 shall receive per diem and necessary travel and subsistence expenses according to the provisions
3 of G.S. 138-5.

4 (g) Meetings. – The North Carolina Parks and Recreation Authority shall meet at least
5 quarterly at a time and place designated by the Chair.

6 (h) Quorum. – A majority of the North Carolina Parks and Recreation Authority shall
7 constitute a quorum for the transaction of business.

8 (i) Staff. – All clerical and other services required by the North Carolina Parks and
9 Recreation Authority shall be provided by the Secretary of Natural and Cultural Resources."

10 **SECTION 4.** G.S. 74C-4 reads as rewritten:

11 **"§ 74C-4. Private Protective Services Board established; members; terms; vacancies;
12 compensation; meetings.**

13 (a) The Private Protective Services Board is hereby established in the Department of
14 Public Safety to administer the licensing and set educational and training requirements for
15 persons, firms, associations, and corporations engaged in a private protective services profession
16 within this State.

17 (b) The Board shall consist of 14 members: the Secretary of Public Safety or the
18 Secretary's designated representative, ~~three~~ seven persons appointed by the Governor, ~~five~~ three
19 persons appointed by the General Assembly upon the recommendation of the President Pro
20 Tempore of the Senate, and ~~five~~ three persons appointed by the General Assembly upon the
21 recommendation of the Speaker of the House of Representatives. All appointments by the
22 General Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the
23 positions filled by those appointments shall be filled pursuant to G.S. 120-122. One of those
24 persons appointed by the General Assembly upon the recommendation of the President Pro
25 Tempore of the ~~Senate~~ Senate, three of the members appointed by the Governor, and all ~~five~~
26 three persons appointed by the General Assembly upon the recommendation of the Speaker of
27 the House of Representatives shall be licensees under this Chapter; all other appointees may not
28 be licensees of the Board nor licensed by the Board while serving as Board members. All persons
29 appointed shall serve terms of three years. With the exception of the Secretary of Public Safety
30 or the Secretary's designated representative, no person shall serve more than eight consecutive
31 years on the Board. Board members may continue to serve until their successors have been
32 appointed. The initial terms of three of the members appointed by the Governor shall expire June
33 30, 2019. The initial terms of one member appointed by each authority making an appointment
34 pursuant to this subsection shall expire June 30, 2020. All other initial terms of members
35 appointed pursuant to this subsection shall expire June 30, 2021.

36 (c) Vacancies on the Board occurring for any reason shall be filled by the authority
37 making the original appointment of the person causing the vacancy.

38 (d) Each member of the Board, before assuming the duties of his office, shall take an oath
39 for the faithful performance of his duties. A Board member may be removed at the pleasure of
40 the authority making the original appointment or by the Board for misconduct, incompetence, or
41 neglect of duty.

42 (e) Members of the Board who are State officers or employees shall receive no per diem
43 compensation for serving on the Board, but shall be reimbursed for their expenses in accordance
44 with G.S. 138-6. Members of the Board who are full-time salaried public officers or employees
45 other than State officers or employees shall receive no per diem compensation for serving on the
46 Board, but shall be reimbursed for their expenses in accordance with G.S. 138-6 in the same
47 manner as State officers or employees. All other Board members shall receive per diem
48 compensation and reimbursement in accordance with G.S. 93B-5.

49 (f) The Board shall elect a chairman, vice-chairman, and other officers and committee
50 chairmen from among its members as the Board deems necessary and desirable at the first
51 meeting after July 1 of each year. The chairman and vice-chairman shall be selected by the

1 members of the Board for a term of one year and shall be eligible for reelection. The Board shall
2 meet at the call of the chairman or a majority of the members of the Board at such time, date, and
3 location as may be decided upon by a majority of the Board.

4 (g) All decisions heretofore made by the Private Protective Services Board, established
5 pursuant to Chapter 74B, shall remain in full force and effect unless and until repealed or
6 suspended by action of the Private Protective Services Board established herein.

7 (h) The Board shall pay the appropriate State agency for the use of physical facilities and
8 services provided to it by the State."

9 **SECTION 5.** G.S. 143B-472.128 reads as rewritten:

10 **"§ 143B-472.128. Rural Infrastructure Authority created; powers.**

11 (a) Creation. – The Rural Infrastructure Authority is created within the Department of
12 Commerce.

13 (b) Membership. – The Authority shall consist of 16 members who shall be appointed as
14 follows:

15 (1) The Secretary of Commerce, who shall serve as a nonvoting ex officio
16 member, except in the case of a tie.

17 (2) ~~Five~~Three members appointed by the General Assembly upon the
18 recommendation of the President Pro Tempore of the Senate, and they shall
19 each represent a Tier 1 or Tier 2 county.

20 (3) ~~Five~~Three members appointed by the General Assembly upon the
21 recommendation of the Speaker of the House of Representatives, and they
22 shall each represent a Tier 1 or Tier 2 county.

23 (4) ~~Five~~Nine members appointed by the Governor, and they shall each represent
24 a Tier 1 or Tier 2 county.

25 (c) Terms. – Members shall serve for a term of three years, except for initial terms as
26 provided in this section. No member of the Authority shall serve for more than two consecutive
27 terms, but a person who has been a member for two consecutive terms may be reappointed after
28 being off the Authority for a period of at least three years. An initial term that is two years or less
29 shall not be counted in determining the limitation on consecutive terms. ~~Initial terms shall
30 commence on July 1, 2013.~~

31 In order to provide for staggered terms, ~~two~~five persons appointed to the positions designated
32 in subdivision ~~(b)(2)(b)(4)~~ of this section, ~~one person appointed to the positions designated in
33 subdivision (b)(3) of this section, and two persons appointed to the positions designated in
34 subdivision (b)(4) of this section~~ shall be appointed for initial terms ending on June 30,
35 ~~2014~~2019. One person appointed to the positions designated in subdivision (b)(2) of this section,
36 ~~two persons~~one person appointed to the positions designated in subdivision (b)(3) of this section,
37 and two persons appointed to the positions designated in subdivision (b)(4) of this section shall
38 be appointed for initial terms ending on June 30, ~~2015~~2020. ~~Two persons~~One person appointed
39 to the positions designated in subdivision (b)(2) of this section, ~~two persons~~one person appointed
40 to the positions designated in subdivision (b)(3) of this section, and ~~one person~~two persons
41 appointed to the positions designated in subdivision (b)(4) of this section shall be appointed for
42 initial terms ending on June 30, ~~2016~~2021.

43 (d) Officers. – The Authority members shall select from among the membership of the
44 Authority a person to serve as chair and vice-chair. The chair and vice-chair shall each serve for
45 a term of one year, but may be re-elected to serve successive terms.

46 (e) Compensation. – Authority members shall receive no salary as a result of serving on
47 the Authority, but are entitled to per diem and allowances in accordance with G.S. 138-5 and
48 G.S. 138-6, as appropriate.

49 (f) Meetings. – The Secretary shall convene the first meeting of the Authority within 30
50 days after the appointment of Authority members under subsection (b) of this section. Meetings
51 shall be held as necessary as determined by the Authority.

1 (g) Quorum. – A majority of the members of the Authority constitutes a quorum for the
2 transaction of business. A vacancy in the membership of the Authority does not impair the right
3 of the quorum to exercise all rights and to perform all duties of the Authority.

4 (h) Vacancies. – A vacancy on the Authority shall be filled in the same manner in which
5 the original appointment was made, and the term of the member filling the vacancy shall be for
6 the balance of the unexpired term. Vacancies in appointments made by the General Assembly
7 shall be filled in accordance with G.S. 120-122.

8 (i) Removal. – Members may be removed in accordance with G.S. 143B-13. A member
9 who misses three consecutive meetings of the Authority may be removed for nonfeasance.

10 (j) Powers and Duties. – The Authority has the following powers and duties:

11 (1) To receive and review applications from local government units for grants or
12 loans authorized under G.S. 143B-472.127.

13 (2) To award grants or loans as provided in G.S. 143B-472.127. In awarding
14 grants or loans under G.S. 143B-472.127(a), priority shall be given to local
15 government units of the counties that have one of the 80 highest rankings
16 under G.S. 143B-437.08.

17 (3) To formulate policies and priorities for grant and loan making under
18 G.S. 143B-472.127, which shall include, among other things, providing for (i)
19 at least four grant application cycles during each fiscal year, (ii) the timely
20 distribution of grants and loans so as to allow local government units to
21 undertake infrastructure and other projects authorized under this Part without
22 undue delay, and (iii) the use of federal funds first instead of General Fund
23 appropriations where the project meets federal requirements or guidelines.

24 (4) To establish a threshold amount for emergency grants and loans that may be
25 awarded by the Assistant Secretary without the prior approval of the
26 Authority. Any emergency grants or loans awarded by the Assistant Secretary
27 pursuant to this subdivision shall meet the requirements of
28 G.S. 143B-472.127(a) or (b), and shall comply with policies and procedures
29 adopted by the Authority. The Assistant Secretary shall, as soon as
30 practicable, inform the Authority of any emergency grants or loans made
31 under this subdivision, including the name of the local government unit to
32 which the grant or loan was made, the amount of the grant or loan, and the
33 project for which the grant or loan was requested.

34 (5) To determine ways in which the Rural Economic Development Division can
35 aid local government units in meeting the costs for preliminary project
36 planning needed for making an application for a grant or loan under
37 G.S. 143B-472.127.

38 (6) To determine ways in which the Rural Economic Development Division can
39 effectively disseminate information to local government units about the
40 availability of grants or loans under G.S. 143B-472.127, the application and
41 review process, and any other information that may be deemed useful to local
42 government units in obtaining grants or loans.

43 (7) To review from time to time the effectiveness of the grant or loan programs
44 under G.S. 143B-472.127 and to determine ways in which the programs may
45 be improved to better serve local government units.

46 (8) No later than September 1 of each year, to submit a report to the Senate
47 Appropriations Committee on Natural and Economic Resources, the House
48 Appropriations Subcommittee on Natural and Economic Resources, and the
49 Fiscal Research Division that details all of the following:

- 50 a. Total number of awards made in the previous fiscal year.
51 b. Geographic display of awards made.

- 1 c. Total number of jobs created in the previous fiscal year.
2 d. Recommended policy changes that would benefit economic
3 development in rural areas of the State."

4 **SECTION 6.** G.S. 143-135.25 reads as rewritten:

5 "Article 8B.

6 "State Building Commission.

7 **"§ 143-135.25. State Building Commission – Creation; staff; membership; appointments;
8 terms; vacancies; chairman; compensation.**

9 (a) A State Building Commission is created within the Department of Administration to
10 develop procedures to direct and guide the State's capital facilities development and management
11 program and to perform the duties created under this Article.

12 (b) The State Construction Office of the Department of Administration shall provide staff
13 to the State Building Commission. The chairman of the Commission shall provide direction to
14 the State Construction Office on its work for the Commission.

15 The director of the State Construction Office shall be a registered engineer or licensed
16 architect and shall be technically qualified by educational background and professional
17 experience in building design, construction, or facilities management. The administrative head
18 shall be appointed by the Secretary of the Department of Administration.

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

- 20 (1) A licensed architect whose primary practice is or was in the design of
21 buildings, chosen from among not more than three persons nominated by the
22 North Carolina Chapter of the American Institute of Architects, appointed by
23 the Governor.
- 24 (2) A registered engineer whose primary practice is or was in the design of
25 engineering systems for buildings, chosen from among not more than three
26 persons nominated by the Consulting Engineers Council and the Professional
27 Engineers of North Carolina, appointed by the General Assembly upon the
28 recommendation of the President Pro Tempore of the Senate in accordance
29 with G.S. 120-121.
- 30 (3) A licensed building contractor whose primary business is or was in the
31 construction of buildings, or an employee of a company holding a general
32 contractor's license, chosen from among not more than three persons
33 nominated by the Carolinas AGC (Associated General Contractors),
34 appointed by the General Assembly upon the recommendation of the Speaker
35 of the House of Representatives in accordance with G.S. 120-121.
- 36 (4) A licensed electrical contractor whose primary business is or was in the
37 installation of electrical systems for buildings, chosen from among not more
38 than three persons nominated by the North Carolina Association of Electrical
39 Contractors, and the Carolinas Electrical Contractors' Association, appointed
40 by the Governor.
- 41 (5) A public member appointed by the ~~General Assembly upon the~~
42 ~~recommendation of the President Pro Tempore of the Senate in accordance~~
43 ~~with G.S. 120-121.~~Governor.
- 44 (6) A licensed mechanical contractor whose primary business is or was in the
45 installation of mechanical systems for buildings, chosen from among not more
46 than three persons nominated by the North Carolina Association of Plumbing,
47 Heating, Cooling Contractors, appointed by the ~~General Assembly upon the~~
48 ~~recommendation of the Speaker of the House of Representatives in~~
49 ~~accordance with G.S. 120-121.~~Governor.
- 50 (7) An employee of the university system currently involved in the capital
51 facilities development process, chosen from among not more than three

1 persons nominated by the Board of Governors of The University of North
2 Carolina, appointed by the Governor.

3 (8) A public member who is knowledgeable in the building construction or
4 building maintenance area, appointed by the General Assembly upon the
5 recommendation of the President Pro Tempore of the Senate in accordance
6 with G.S. 120-121.

7 (9) A representative of local government, chosen from among not more than two
8 persons nominated by the North Carolina Association of County
9 Commissioners and two persons nominated by the North Carolina League of
10 Municipalities, appointed by the General Assembly upon recommendation of
11 the Speaker of the House of Representatives in accordance with G.S. 120-121.

12 The members shall be appointed for staggered three-year terms: ~~The initial appointments to~~
13 ~~the Commission shall be made within 15 days of the effective date of this act [April 14, 1987].~~
14 The initial terms of members appointed pursuant to subdivisions (1), ~~(2),(4)~~, and ~~(3)(5)~~ of this
15 subsection shall expire June 30, ~~1990;2019~~; the initial terms of members appointed pursuant to
16 ~~(4),(5),(2)~~, (3), and (6) of this subsection shall expire June 30, ~~1989;2020~~; and the initial terms
17 of members appointed pursuant to (7), (8), and (9) shall expire June 30, ~~1988;2021~~. Members
18 may serve no more than six consecutive years. In making new appointments or filling vacancies,
19 the Governor shall ensure that minorities and women are represented on the Commission.

20 Members of the Commission may be removed pursuant to G.S. 143B-13(d).

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

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

27 (d) The Commission shall meet at least four times a year on or about January 15, April
28 15, July 15, and October 15. The Commission shall also meet upon the call of the chairman, or
29 upon call of at least five members. The Secretary of State shall call the first meeting within 30
30 days of the effective date of this act; the first order of business at the first meeting shall be the
31 election of a chairman by the Commission.

32 (e) Members of the Commission who are not State officers or employees shall receive
33 per diem of one hundred dollars (\$100.00) a day when the Commission meets and shall be
34 reimbursed for travel and subsistence as provided in G.S. 138-5. Members who are State officers
35 or employees shall be reimbursed for travel and subsistence as provided in G.S. 138-6."

36 **SECTION 7.** This act is effective when it becomes law. All rules, regulations, and
37 decisions made by the predecessor boards, commissions, and authorities reconstituted in this act
38 shall remain in full force and effect until and unless duly modified by the successor entities.