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SENATE BILL 474
State and Local Government Committee Substitute Adopted 4/30/19
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Short Title: Obsolete Bds/Judicial and Admin. Changes.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO ABOLISH OBSOLETE BOARDS AND COMMISSIONS THAT ARE NO LONGER FUNCTIONAL, MODIFY THE REQUIREMENTS FOR EMERGENCY JUDGES, TRANSFER THE BOXING COMMISSION FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF PUBLIC SAFETY, AND TO EXTEND SUNSET ON WAIVER OF REQUIRING WITNESSES FOR HEALTH CARE POWERS OF ATTORNEY AND FOR ADVANCED DIRECTIVES FOR A NATURAL DEATH.

Whereas, several boards and commissions within State government appear to be no longer functional and should be abolished; and

Whereas, some boards and commissions were established to oversee programs that no longer exist; and

Whereas, certain boards and commissions either have no appointed members, have not met in several years, have not reported recent activity, or have no discoverable information; and

Whereas, as a result of inactivity of some boards and commissions, previous attempts have been made to abolish them; Now, therefore,
The General Assembly of North Carolina enacts:

BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II SETTLEMENT FUNDS

SECTION 1. The Board of Directors of the Certification Entity for Phase II Settlement Funds, as authorized by S.L. 1999-333, is abolished.

NC AGENCY FOR PUBLIC TELECOMMUNICATIONS

SECTION 2.(a) Part 22 of Article 9 of Chapter 143B of the General Statutes is repealed.

SECTION 2.(b) G.S. 138A-3(70)r. is repealed.

CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION

SECTION 3. S.L. 2013-358, except Section 2, and S.L. 2014-10 are repealed.

BOARD OF DIRECTORS OF THE CHARLOTTE REGIONAL PARTNERSHIP

SECTION 4. The Board of Directors of the Charlotte Regional Partnership, Inc., as authorized by Article 2 of Chapter 158 of the General Statutes, is abolished.



COMMISSION ON SCHOOL TECHNOLOGY

SECTION 5.(a) G.S. 115C-102.5 is repealed.

SECTION 5.(b) G.S. 115C-102.6 reads as rewritten:

"§ 115C-102.6. Duty to propose a State school technology plan.

The State Board of Education shall propose a State school technology plan that ensures the effective use of technology is built into the North Carolina Public School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century.—~~The Commission on School Technology will advise the State Board of Education on the State School Technology Plan and its components."~~

DATA INTEGRATION STEERING COMMITTEE

SECTION 6. Section 6A.20(b) of S.L. 2011-145 is repealed.

GRANTS MANAGEMENT OVERSIGHT COMMITTEES

SECTION 7.(a) Section 6A.7 of S.L. 2011-145, as amended by Section 11(d) of S.L. 2011-391 and Section 6A.10 of S.L. 2012-142, is repealed.

SECTION 7.(b) Section 7.14(b) of S.L. 2013-360 is repealed.

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 9.(a) Article 25A of Chapter 120 is repealed.

SECTION 9.(b) G.S. 90-113.64 reads as rewritten:

"§ 90-113.64. SBI annual report.

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety ~~and to the Legislative Commission on Methamphetamine Abuse~~ by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

SECTION 9.(c) G.S. 143B-925 reads as rewritten:

"§ 143B-925. Study and report on use of pseudoephedrine products to make methamphetamine.

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse ~~Services, the Legislative Commission on Methamphetamine Abuse, Services~~ and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL

SECTION 11.(a) Part 2A of Article 10 of Chapter 143B of the General Statutes is repealed.

SECTION 11.(b) G.S. 143B-432(c)(1) is repealed.

SECTION 11.(c) G.S. 143B-433(2)b. is repealed.

NORTH CAROLINA FARMWORKER COUNCIL

1 **SECTION 12.** Part 26 of Article 9 of Chapter 143B of the General Statutes is
2 repealed.

3 4 **SOUTHERN GROWTH POLICIES BOARD**

5 **SECTION 13.** Article 55 of Chapter 143 of the General Statutes, being G.S. 143-490
6 through G.S. 143-506, is repealed.

7 8 **STATE ADVISORY COUNCIL ON EMPLOYMENT SECURITY**

9 **SECTION 15.** G.S. 96-4 reads as rewritten:

10 **"§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.**

11 ...

12 ~~(g) Advisory Councils.—The State Advisory Council shall be composed of the Assistant~~
13 ~~Secretary and 15 persons representing employers, employees, and the general public, to be~~
14 ~~appointed as follows:~~

15 ~~(1) Five members appointed by the Governor.~~

16 ~~(2) Five members appointed by the President Pro Tempore of the Senate.~~

17 ~~(3) Five members appointed by the Speaker of the House of Representatives.~~

18 ~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory~~
19 ~~Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair.~~
20 ~~A quorum of the State Advisory Council shall consist of the chairman, or such appointed member~~
21 ~~as he may designate, plus one half of the total appointed members. The function of the Council~~
22 ~~shall be to aid the Division in formulating policies and discussing problems related to the~~
23 ~~administration of this Chapter. Each member of the State Advisory Council attending meetings~~
24 ~~of the Council shall be paid the same amount per diem for his or her services as is provided for~~
25 ~~the members of other State boards, commissions, and committees who receive compensation for~~
26 ~~their services, including necessary time spent in traveling to and from his place of residence~~
27 ~~within the State to the place of meeting while engaged in the discharge of the duties of his office,~~
28 ~~and his actual mileage and subsistence at the same rate allowed to State officials.~~

29 ~~(h) Employment Stabilization. — The Secretary of Commerce, in consultation with the~~
30 ~~Assistant Secretary and with the advice and aid of the advisory councils, Secretary, shall take all~~
31 ~~appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption~~
32 ~~of practical methods of vocational training, retraining and vocational guidance; to investigate,~~
33 ~~recommend, advise, and assist in the establishment and operation, by municipalities, counties,~~
34 ~~school districts, and the State, of reserves for public works to be used in times of business~~
35 ~~depression and unemployment; to promote the reemployment of unemployed workers throughout~~
36 ~~the State in every other way that may be feasible; and to these ends to carry on and publish the~~
37 ~~results of investigations and research studies.~~

38 ..."

39 40 **STATE SUGGESTION REVIEW COMMITTEE**

41 **SECTION 16.(a)** G.S. 143-345.21 reads as rewritten:

42 **"§ 143-345.21. State employee suggestion program.**

43 ...

44 (h) Implementation costs may be prorated over a maximum of three years for suggestions
45 or innovations that are capital intensive, involve leading-edge technology, or involve
46 unconventional processes that require longer than 12 months for implementation. The amount of
47 the average annual savings minus the average annual implementation cost shall be used as the
48 basis for the agency to recommend a suggester award. The ~~State Suggestion Review Committee~~
49 Office of State Human Resources shall consult the Office of State Budget and Management to
50 make the final award determination in these cases.

51 ..."

1 **SECTION 16.(b)** G.S. 143-345.23 reads as rewritten:

2 "**§ 143-345.23. Suggestion and review process; role of agency coordinator and agency**
3 **evaluator.**

4 (a) The process for a State employee or team of State employees to submit a cost-saving
5 or revenue-increasing proposal shall begin with the employee or team of employees submitting
6 the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction
7 with an agency evaluator, shall review the suggestion or innovation for submission to the ~~State~~
8 ~~Review Committee established in G.S. 143-345.24.~~Office of State Human Resources.

9 (b) An agency coordinator shall be appointed by the head of each participating agency to
10 serve as liaison between the agency, the suggester, the agency evaluator, and the NC-Thinks
11 office. The duties of the agency coordinator shall include:

- 12 (1) Serving as an information source and maintaining sufficient forms necessary
13 to submit suggestions.
- 14 (2) Presenting, in conjunction with the agency evaluator, the recommendation for
15 an award to the ~~State Suggestion Review Committee.~~Office of State Human
16 Resources.
- 17 (3) Working in conjunction with the agency evaluator to process a particular
18 suggestion or innovation within 180 days, except when there are extenuating
19 circumstances.

20 An agency may have more than one coordinator if required to provide sufficient services to
21 State employees.

22 (c) An agency evaluator shall be designated by the management of the implementing
23 agency to evaluate one or more suggestions. The duties of an agency evaluator shall include:

- 24 (1) Receiving from the agency coordinator and reviewing within 90 days, when
25 possible, the feasibility and effectiveness of cost-saving or revenue-increasing
26 measures suggested by State employees.
- 27 (2) Being knowledgeable of the subject program, activity, or service.
- 28 (3) Determining, in conjunction with the agency fiscal officer, the budgetary
29 impact of a suggestion or innovation.
- 30 (4) Judging impartially both the positive and negative effects of a suggestion or
31 innovation on the current functions of the subject program, activity, or service.

32 (d) The Director of the Office of State Human Resources shall be responsible for general
33 oversight and coordination of NC-Thinks. The State coordinator shall be an employee of the
34 Office of State Human Resources. The State coordinator shall be responsible for day-to-day
35 NC-Thinks program management and administration of the technical aspects of the program. ~~The~~
36 ~~State coordinator shall be an ex officio voting member of the State Suggestion Review~~
37 ~~Committee."~~

38 **SECTION 16.(c)** G.S. 143-345.24 is repealed.

39 **SECTION 16.(d)** G.S. 143-345.25 reads as rewritten:

40 "**§ 143-345.25. Innovations deemed property of the State; effect of decisions regarding**
41 **bonuses.**

42 (a) All suggestions or innovations submitted by State employees pursuant to this Article
43 are the property of the State, and all related intellectual property rights shall be assigned to the
44 State. By January 1, 2002, the Office of State Human Resources shall establish a policy regarding
45 intellectual property rights that arise from NC-Thinks.

46 (b) Decisions regarding the award of bonuses by the agency coordinator and the ~~State~~
47 ~~Suggestion Review Committee.~~Office of State Human Resources are final and are not subject to
48 review under the contested case procedures of Chapter 150B of the General Statutes."
49

50 **STATEWIDE PORTAL COMMITTEE**

51 **SECTION 17.** Section 6A.12(h) of S.L.2012-142 is repealed.

TEACH FOR AMERICA, INC., OVERSIGHT BOARD

SECTION 18. The Oversight Board for Teach For America, Inc., is abolished.

WHOLESALE DISTRIBUTOR ADVISORY COMMITTEE

SECTION 19. G.S. 106-145.11 is repealed.

MOTOR VEHICLE DEALERS' ADVISORY BOARD

SECTION 19.1.(a) G.S. 20-305.4 is repealed.

SECTION 19.1.(b) G.S. 20-305.5(l) reads as rewritten:

"(l) The provisions of G.S. 20-305(4) through G.S. 20-305(28) and G.S. 20-305.2 to ~~G.S. 20-305.4~~ G.S. 20-305.3 shall not apply to manufacturers of or dealers in mobile or manufactured type housing or who sell or distribute only nonmotorized recreational trailers; provided, however, that unless specifically exempted, each of these provisions shall be applicable to all recreational vehicle manufacturers, factory branches, distributors, and distributor branches who sell or distribute any motorized recreational vehicles in this State. The provisions of G.S. 20-305.1 shall not apply to manufacturers of or dealers in mobile or manufactured type housing."

SECTION 19.1.(c) This section becomes effective June 30, 2022.

BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE

SECTION 19.3. Section 3 of S.L. 2003-404 is repealed.

EMERGENCY JUDGES

SECTION 20.1. G.S. 7A-52 reads as rewritten:

"§ 7A-52. Retired district and superior court judges may become emergency judges subject to recall to active service; compensation for emergency judges on recall.

(a) Judges of the district court and judges of the superior court who have not reached the mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the provisions of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed five years of creditable service, may apply as provided in G.S. 7A-53 to become emergency judges of the court from which they retired. Judges of the superior court who have not reached the mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the provisions of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed five years of creditable service, may also apply as provided in G.S. 7A-53 to become emergency judges of the district court, provided they were district court judges prior to retiring from the superior court. From the commissioned emergency district, superior, and special superior court judges, the Chief Justice of the Supreme Court shall create two lists of active emergency judges and two lists of inactive emergency judges. For emergency superior and special superior court judges, the active list shall be limited to a combined total of 10 emergency judges; all other emergency superior and special superior court judges shall be on an inactive list. For emergency district court judges, the active list shall be limited to 25 emergency judges; all other emergency district court judges shall be on an inactive list. There is no limit to the number of emergency judges on either inactive list. In the Chief Justice's discretion, emergency judges may be added or removed from their respective active and inactive lists, as long as the respective numerical limits on the active lists are observed. The Chief Justice is requested to consider geographical distribution in assigning emergency judges to an active list but may utilize any factor in determining which emergency judges are assigned to an active list. The Chief Justice of the Supreme Court may order any emergency district, superior, or special superior court judge on an active list who, in his opinion, is competent to perform the duties of a judge, to hold regular or special sessions of the court from which the judge retired, as needed. Order of assignment shall be in writing and entered upon the

1 minutes of the court to which such emergency judge is assigned. An emergency judge shall only
2 be assigned in the event of a:

- 3 (1) Death of a sitting judge.
- 4 (2) Disability of a sitting judge.
- 5 (3) Recall to active military duty of a sitting judge.
- 6 (4) Retirement or removal of a sitting judge.
- 7 (5) Court case-management emergency.

8 (a1) An emergency judge of the superior court may be recalled to active service by the
9 Chief Justice and assigned to hear and decide complex business cases if, at the time of the judge's
10 retirement, all of the following conditions are met:

- 11 (1) The judge is a special superior court judge who is retiring from a term to which
12 the judge was appointed pursuant to G.S. 7A-45.1.
- 13 (2) The judge is retiring from a term for which the judge was assigned by the
14 Chief Justice to hear and decide complex business cases as a business court
15 judge pursuant to G.S. 7A-45.3.
- 16 (3) The judge's nomination to serve a successive term in the same office is
17 pending before the General Assembly, or was not acted upon by the General
18 Assembly prior to adjournment sine die.
- 19 (4) If confirmed and appointed to the successive term of office for which
20 nominated, the judge would reach mandatory retirement age before
21 completing that term of office.

22 An emergency judge assigned to hear and decide complex business cases pursuant to this
23 subsection shall be designated by the Chief Justice as a senior business court judge and shall be
24 eligible to serve in that capacity for five years from the issuance date of the judge's commission
25 under G.S. 7A-53 or until the judge's commission expires, whichever occurs first. Order of
26 assignment shall be in writing and entered upon the minutes of the court to which such emergency
27 judge is assigned. An emergency judge assigned to hear and decide complex business cases shall
28 not be counted in the combined total of active emergency superior and special superior court
29 judges described in subsection (a) of this section.

30 (b) In addition to the compensation or retirement allowance the judge would otherwise
31 be entitled to receive by law, each emergency judge of the district or superior court who is
32 assigned to temporary active service by the Chief Justice shall be paid by the State the judge's
33 actual mileage and any necessary lodging and meal expenses, plus four hundred dollars (\$400.00)
34 for each day of active service rendered upon recall, and each emergency judge designated as a
35 senior business court judge pursuant to subsection (a1) of this section shall be paid by the State
36 the judge's actual expenses, plus five hundred dollars (\$500.00) for each day of active service
37 rendered upon recall as a senior business court judge. No day of active service rendered by an
38 emergency judge pursuant to assignment under subsection (a) of this section shall overlap with
39 a day of active service rendered pursuant to assignment under subsection (a1) of this section. No
40 recalled retired trial judge shall receive from the State total annual compensation for judicial
41 services in excess of that received by an active judge of the bench to which the judge is recalled.
42 Emergency judges on an inactive list shall not receive reimbursement for continuing legal or
43 judicial education."
44

45 **THE BOXING COMMISSION**

46 **SECTION 21.1.** The Boxing Commission created under G.S. 143-652.2 is
47 transferred to the Department of Public Safety. This transfer has all of the elements of a Type II
48 transfer, as described in G.S. 143A-6, except that the management functions of the Commission
49 shall not be performed under the direction and supervision of the Secretary of Public Safety.

50 **SECTION 21.2.** G.S. 143-652.2(a) reads as rewritten:

1 "(a) Creation. – The Boxing Commission is created for the purposes set forth in
2 G.S. 143-652.1. The Commission shall be administratively located within the Department of
3 ~~Commerce, Public Safety~~, but shall exercise its powers independently of the Secretary of
4 ~~Commerce, Public Safety~~. The Commission shall consist of six voting members and two
5 nonvoting advisory members. All the members shall be residents of North Carolina. The
6 members shall be appointed as follows:

7 ...

8 (4) One voting member shall be appointed by the Secretary of ~~Commerce~~Public
9 Safety for an initial term of three years.

10 ...

11 Appointments by the General Assembly pursuant to subdivisions (2) and (3) of this
12 subsection shall be made in accordance with G.S. 120-121. The member appointed pursuant to
13 subdivision (6) of this subsection may serve on the Commission only if an agreement exists and
14 remains in effect between the Tribal Council of the Eastern Band of the Cherokee and the
15 Commission authorizing the Commission to regulate professional boxing matches within the
16 Cherokee Indian Reservation as provided by the Professional Boxing Safety Act of 1996.

17 The two nonvoting advisory members appointed pursuant to subdivisions (7) and (8) of this
18 subsection shall advise the Commission on matters concerning the health and physical condition
19 of boxers and health issues relating to the conduct of exhibitions and boxing matches. They may
20 prepare and submit to the Commission for its approval any rules that in their judgment will
21 safeguard the physical welfare of all participants engaged in boxing.

22 Terms for all members of the Commission except for the initial appointments shall be for
23 three years.

24 The Governor shall designate which member of the Commission is to serve as chair. A
25 member appointed pursuant to subdivision (1) or (6) of this subsection shall serve at the
26 Governor's pleasure. The other members of the Commission may be removed from office by the
27 member's appointing authority for cause. Members of the Commission are subject to the conflicts
28 of interest requirements of 15 U.S.C. § 6308 (contained in the Professional Boxing Safety Act of
29 1996, as amended). Each member, before entering upon the duties of a member, shall take and
30 subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best
31 of the member's ability. A record of these oaths shall be filed in the Department of
32 ~~Commerce~~Public Safety."

33 **SECTION 21.3.(a)** G.S. 143-655(c) reads as rewritten:

34 "(c) State Boxing Revenue Account. – There is created the State Boxing Revenue Account
35 within the Department of ~~Commerce, Public Safety~~. Monies collected pursuant to the provisions
36 of this Article shall be credited to the Account and applied to the administration of the Article."

37 **SECTION 21.3.(b)** Funds in the State Boxing Revenue Account within the
38 Department of Commerce as of the effective date of this act shall be transferred into the State
39 Boxing Revenue Account within the Department of Public Safety. Once these funds have been
40 transferred, the State Boxing Revenue Account within the Department of Commerce shall be
41 closed.

42 **SECTION 21.4.** The term of the member of the Boxing Commission appointed by
43 the Secretary of Commerce under G.S. 143-652.2(a)(4) expires on the effective date of this act,
44 and the Secretary of Public Safety shall appoint a member in accordance with G.S. 143-652.2, as
45 amended by Section 2 of this act, to serve the remainder of the term. Except as otherwise provided
46 by applicable law or a subsequent act of the General Assembly, all other members of the Boxing
47 Commission appointed in accordance with Section 12(d) of S.L. 2019-203 shall continue to serve
48 their terms in accordance with the requirements of that act.

49 **SECTION 21.5.** The implementation of this section shall not affect any investigation
50 pursuant to Article 68 of Chapter 143 of the General Statutes ongoing as of the effective date of
51 this section. Any hearing or proceeding pursuant to Article 68 of Chapter 143 of the General

1 Statutes ongoing as of the effective date of this section shall continue. Prosecutions for offenses
2 or violations committed prior to the effective date of this section are not abated or affected by
3 this section, and the statutes that would be applicable but for this section shall remain applicable
4 to those prosecutions.

5
6 **EXTEND SUNSET ON WAIVER OF REQUIRING WITNESSES FOR HEALTH CARE**
7 **POWERS OF ATTORNEY AND FOR ADVANCED DIRECTIVES FOR A NATURAL**
8 **DEATH**

9 **SECTION 22.1.(a)** G.S. 32A-16.1(c), as enacted by S.L. 2020-3, reads as rewritten:

10 "(c) This section shall expire at 12:01 A.M. on ~~August 1, 2020~~; March 1, 2021; provided,
11 however, all instruments made in accordance with this section and while this section is in effect
12 shall remain effective and shall not need to be reaffirmed."

13 **SECTION 22.1.(b)** G.S. 90-321.1(c), as enacted by S.L. 2020-3, reads as rewritten:

14 "(c) This section shall expire at 12:01 A.M. on ~~August 1, 2020~~; March 1, 2021; provided,
15 however, all instruments made in accordance with this section and while this section is in effect
16 shall remain effective and shall not need to be reaffirmed."

17
18 **EFFECTIVE DATE**

19 **SECTION 23.** Except as otherwise provided, this act is effective when it becomes
20 law.