

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 512
Second Edition Engrossed 4/6/23

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

Sponsors: Senators Daniel, Rabon, and Berger (Primary Sponsors).

Referred to: Judiciary

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. UTILITIES COMMISSION**

8 **SECTION 1.(a)** The North Carolina Utilities Commission created under G.S. 62-10
9 is transferred to the Department of State Treasurer. This transfer has all of the elements of a Type
10 II transfer, as described in G.S. 143A-6. The Commission shall be administratively located within
11 the Department of State Treasurer but shall exercise all its prescribed statutory powers
12 independently of the Department of State Treasurer.

13 **SECTION 1.(b)** G.S. 62-10 reads as rewritten:

14 "**§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies;**
15 **compensation; other employment prohibited.**

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

35 (b) ~~The terms of the commissioners now serving shall expire at the conclusion of the term~~
36 ~~for which they were appointed which shall remain as before with two regular eight year terms~~



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1 expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on July 1 of
2 each eighth year after July 1, 1963. The terms of office of utilities commissioners thereafter shall
3 be six years commencing on July 1 of the year in which the predecessor terms expired, and ending
4 on July 1 of the sixth year thereafter.

5 (c) ~~In order to increase the number of commissioners to seven, the names of two~~
6 ~~additional commissioners shall be submitted to the General Assembly on or before May 27, 1975,~~
7 ~~for confirmation by the General Assembly as provided in G.S. 62-10(a). The commissioners so~~
8 ~~appointed and confirmed shall serve new terms commencing on July 1, 1975, one of which shall~~
9 ~~be for a period of two years (with the immediate successor serving for a period of six years), and~~
10 ~~one of which shall be for a period of two years.~~

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

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

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

21 (f) In case of death, incapacity, resignation or vacancy for any other reason in the office
22 of any commissioner appointed by the Governor or State Treasurer prior to the expiration of his
23 the commissioner's term of office, the name of his successor shall be submitted by the Governor
24 within four weeks after the vacancy arises to the General Assembly for confirmation by the
25 General Assembly. the name of the successor shall be submitted to the General Assembly by the
26 appointing authority within four weeks after the vacancy arises for confirmation by the General
27 Assembly. As used in this section, the term "appointing authority" means the Governor in the
28 case of commissioners appointed by the Governor and the State Treasurer in the case of
29 commissioners appointed by the State Treasurer. Upon failure of the Governor or State Treasurer
30 to submit the name of the successor, the Lieutenant Governor-President Pro Tempore and Speaker
31 of the House jointly shall submit the name of a successor to the General Assembly within six
32 weeks after the vacancy arises. Regardless of the way in which names of commissioners are
33 submitted, confirmation of commissioners must be accomplished prior to the adjournment of the
34 then current session of the General Assembly. In case of death, incapacity, resignation, or
35 vacancy for any other reason in the office of any commissioner appointed by the General
36 Assembly prior to the expiration of the commissioner's term of office, the vacancy shall be filled
37 as provided in G.S. 120-122.

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

48"

49 **SECTION 1.(c)** In order to decrease the number of commissioners to five, two of
50 the three terms expiring on June 30, 2025, shall expire, and upon expiration, no additional
51 appointments for those two terms shall be made.

1 **SECTION 1.(d)** Notwithstanding G.S. 62-10, as amended by this act, the terms of
2 the commissioners now serving shall expire at the conclusion of the term for which they were
3 appointed. Upon the expiration of the terms of the commissioners now serving, appointments to
4 the Commission shall be made as follows:

- 5 (1) For the three terms expiring June 30, 2023, one commissioner shall be
6 appointed by the Governor, one by the General Assembly, upon
7 recommendation of the Speaker of the House of Representatives in
8 accordance with G.S. 120-121, and one by the General Assembly, upon
9 recommendation of the President Pro Tempore of the Senate in accordance
10 with G.S. 120-121.
11 (2) For one of the three terms expiring on June 30, 2025, one commissioner shall
12 be appointed by the State Treasurer.
13 (3) For the term expiring June 30, 2027, one commissioner shall be appointed by
14 the Governor.

15 **SECTION 1.(e)** G.S. 143B-433 reads as rewritten:

16 **"§ 143B-433. Department of Commerce – organization.**

17 The Department of Commerce shall be organized to include:

- 18 (1) The following agencies:
19 a. Repealed by Session Laws 2014-100, s. 15.2A(c), effective October 1,
20 2014.
21 b. ~~The North Carolina Utilities Commission.~~
22 "

23
24 **PART II. ECONOMIC INVESTMENT COMMITTEE**

25 **SECTION 2.1.(a)** G.S. 143B-437.54 reads as rewritten:

26 **"§ 143B-437.54. Economic Investment Committee established.**

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

- 29 (1) The Secretary of Commerce.
30 (2) The Secretary of Revenue.
31 (3) The Director of the Office of State Budget and Management.
32 (4) One member appointed by the General Assembly upon the recommendation
33 of the Speaker of the House of Representatives.
34 (5) One member appointed by the General Assembly upon the recommendation
35 of the President Pro Tempore of the Senate.
36 (6) The Speaker of the House of Representatives or a designee of the Speaker.
37 (7) The President Pro Tempore of the Senate or a designee of the President Pro
38 Tempore.

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

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

46 "

47 **SECTION 2.1.(b)** G.S. 120-123(76) is repealed.

48
49 **PART III. ENVIRONMENTAL MANAGEMENT COMMISSION**

50 **SECTION 3.1.(a)** G.S. 143B-283 reads as rewritten:

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 3.1.(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."~~

41 **PART IV. COMMISSION FOR PUBLIC HEALTH**

42 **SECTION 4.1.(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 4.1.(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 V. BOARD OF TRANSPORTATION**

44 **SECTION 5.1.(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.

1 (b) Membership of the Board.—

2 (1) ~~Number, appointment.—The Board of Transportation shall have 20 voting~~
3 ~~members. Voting members shall be appointed as provided in subdivisions (2)~~
4 ~~and (3) of this subsection for terms of office beginning July 31 of the year of~~
5 ~~initial appointment, and every four years thereafter. Fourteen of the members~~
6 ~~shall be division members appointed by the Governor. Six members shall be~~
7 ~~at large members appointed by the General Assembly, three upon~~
8 ~~recommendation of the President Pro Tempore of the Senate and three upon~~
9 ~~recommendation of the Speaker of the House of Representatives. The~~
10 ~~Secretary of Transportation shall serve as an ex officio nonvoting member of~~
11 ~~the Board. No more than three members of the Board may reside in the same~~
12 ~~highway division.~~

13 (2) ~~Division members.—One member shall be appointed from and be a resident~~
14 ~~of each of the 14 highway divisions. Division members shall regularly consult~~
15 ~~with and consider the views of local government units and Transportation~~
16 ~~Advisory Committees in the region they represent. The Governor shall appoint~~
17 ~~one member from each of the fourteen divisions as follows:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

31 n. ~~Division 14, beginning in 2020.~~

32 (3) ~~At large members.—Six at large members shall be appointed as follows:~~

33 a. ~~Two members appointed by the General Assembly upon~~
34 ~~recommendation of the President Pro Tempore of the Senate,~~
35 ~~beginning in 2020.~~

36 b. ~~One member appointed by the General Assembly upon~~
37 ~~recommendation of the President Pro Tempore of the Senate,~~
38 ~~beginning in 2022.~~

39 c. ~~Two members appointed by the General Assembly upon~~
40 ~~recommendation of the Speaker of the House of Representatives,~~
41 ~~beginning in 2020.~~

42 d. ~~One member appointed by the General Assembly upon~~
43 ~~recommendation of the Speaker of the House of Representatives,~~
44 ~~beginning in 2022.~~

45 Composition. — The Board of Transportation shall be composed as follows:

46 (1) The Board shall consist of 20 voting members. The General Assembly shall
47 appoint 14 voting members from which seven voting members shall be
48 appointed upon the recommendation of the President Pro Tempore of the
49 Senate in accordance with G.S. 120-121 and seven voting members shall be
50 appointed upon the recommendation of the Speaker of the House of
51 Representatives in accordance with G.S. 120-121. Each highway division

1 shall have at least one voting member that is a resident of that highway
 2 division appointed by either the President Pro Tempore of the Senate or the
 3 Speaker of the House of Representatives. The Governor shall appoint six at-
 4 large voting members. No more than three voting members may reside in the
 5 same highway division.

6 (2) The Secretary of Transportation shall serve as an ex officio nonvoting member
 7 of the Board.

8 (3) All appointments shall be for a term of four years and terms shall expire on
 9 June 30 of the year of expiration.

10 (e) ~~Staggered Terms. The terms of all Board members serving on the Board prior to~~
 11 ~~July 31, 2020, shall expire on July 30, 2020. A new board of 20 voting members shall be~~
 12 ~~appointed with terms beginning on July 31, 2020.~~

13 ...
 14 (e) ~~Organization and Meetings of the Board. – Within 30 days after July 31, 2020, the~~
 15 ~~Governor shall call the Board into session. The Governor~~ The Board shall select a chair from
 16 among the Board's membership for a two-year term. The Board shall select a vice-chair from
 17 among its membership for a two-year term. ~~The Governor~~ Board may select a chair for one
 18 additional two-year term. The Board may select a vice-chair for one additional two-year term.
 19 The Board of Transportation shall meet at least once a month at such regular meeting times as
 20 the Board may by rule provide and at any place in the State as the Board may provide. The Board
 21 may hold special meetings at any time at the call of the chair or any three members. The Board
 22 shall have the power to adopt and enforce rules and regulations for the government of its business
 23 and proceedings. The Board shall keep minutes of its meetings, which shall at all times be open
 24 to public inspection. The majority of the Board shall constitute a quorum for the transaction of
 25 business. Board members shall receive per diem and necessary travel and subsistence expenses
 26 in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

27"

28 **SECTION 5.1.(b)** All members serving on the Board of Transportation as of the
 29 effective date of this act shall finish the remainder of their term. Subsequent appointments to the
 30 Board shall be appointed in the manner provided by G.S. 143B-350(b), as amended by subsection
 31 (a) of this section, and in accordance with the following schedule:

- 32 (1) The General Assembly shall appoint Highway Division 1, 3, 6, 9, 12, and 14
 33 board members from the six division appointments expiring in 2024. Three of
 34 these appointments shall be made by the Senate and three by the House.
- 35 (2) The General Assembly shall appoint Highway Division 2, 4, 5, 7, and 8 board
 36 members from the five at-large appointments expiring in 2024. Three of these
 37 appointments shall be made by the Senate and two by the House.
- 38 (3) The Governor shall appoint six at-large board members from the eight division
 39 appointments expiring in 2026.
- 40 (4) The General Assembly shall appoint Highway Division 10, 11, and 13 board
 41 members from the remaining two division appointments expiring in 2026 and
 42 the one at-large appointment expiring in 2026. One of these appointments
 43 shall be made by the Senate and two by the House.

44
 45 **PART VI. COASTAL RESOURCES COMMISSION**

46 **SECTION 6.1.(a)** G.S. 113A-104 reads as rewritten:

47 **"§ 113A-104. Coastal Resources Commission.**

48 ...
 49 (b1) **Composition.** – The Coastal Resources Commission shall consist of 13 members as
 50 follows:

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

44 (c) Appointment of Members. – As used in this section, the term "appointing authority"
45 means the Governor in the case of members appointed by the ~~Governor~~ Governor, the
46 Commissioner of Insurance in the case of the member appointed by the Commissioner of
47 Insurance, and means the General Assembly in the case of members appointed by the General
48 Assembly. Appointments to the Commission shall be made to provide knowledge and experience
49 in a diverse range of coastal interests. The members of the Commission shall serve and act on
50 the Commission solely for the best interests of the public and public trust, and shall bring their
51 particular knowledge and experience to the Commission for that end alone. Counties and cities

1 in the coastal area may designate and transmit to the appointing authorities no later than May 1
2 of each even-numbered year qualified persons in the categories set out in subsection (b1) of this
3 section corresponding to the Commission positions to be filled that year.

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

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

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

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

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

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

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

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

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

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

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

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

43 **SECTION 6.1.(b)** To minimize the impact of this section on the work of the
44 Commission, the seat eliminated by the repeal of G.S. 113A-104(b1)(2) in subsection (a) of this
45 section shall be the member who was at the time of appointment a coastal property owner or
46 experienced in land development and whose term expires on June 30, 2023.

47 **PART VII. WILDLIFE RESOURCES COMMISSION**

48 **SECTION 7.1.(a)** G.S. 143-241 reads as rewritten:

49 **"§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**
50

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

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

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

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

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

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

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

27 **SECTION 7.1.(b)** G.S. 143-241, as amended by subsection (a) of this section, reads
28 as rewritten:

29 **"§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

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

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

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

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

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

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

46 Thereafter as the terms of office of the members of the Commission appointed by the
47 Governor from the several wildlife districts expire, their successors shall be appointed for terms
48 of six years each. As the terms of office of the members of the Commission appointed by the
49 General Assembly expire, their successors shall be appointed for terms of two years each. All
50 members appointed by the Governor or by the Commissioner of Agriculture serve at the pleasure
51 of the ~~Governor~~ authority that appointed them and they may be removed by that ~~Governor~~

1 appointing authority at any time. A successor to the appointing ~~Governor~~ authority may remove
2 a Commission member only for cause as provided in G.S. 143B-13. Members appointed by the
3 General Assembly serve at the pleasure of that body and may be removed by law at any time. In
4 the event that a Commission member is removed, the member appointed to replace the removed
5 member shall serve only for the unexpired term of the removed member."

6 **SECTION 7.1.(c)** G.S. 143-242 reads as rewritten:

7 "**§ 143-242. Vacancies by death, resignation or otherwise.**

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

19 **SECTION 7.1.(d)** Subsections (b) and (c) of this section become effective June 30,
20 2025.

21 **PART VIII. NORTH CAROLINA RAILROAD BOARD OF DIRECTORS**

22 **SECTION 8.1.(a)** G.S. 124-15 reads as rewritten:

23 "**§ 124-15. Board of directors; appointment and approval of encumbrances.**

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

42"

43 **SECTION 8.1.(b)** The appointee of the Governor replaced by the appointee of the
44 State Treasurer because of the revision to G.S. 124-15 enacted in subsection (a) of this section
45 shall be one of the appointees of the Governor with a term expiring in 2023. The Board of
46 Directors shall determine which of these appointees will be replaced by the appointee of the State
47 Treasurer.

48 **SECTION 8.1.(c)** This section becomes effective on the date that revisions to the
49 Articles of Incorporation of a State-owned railroad to implement the changes in appointing
50 authority made by this section are enacted by the Board of Directors of the State-owned railroad
51

1 and become effective. The railroad shall report to the Revisor of Statutes the effective date of
2 those changes.

3
4 **PART IX. BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA**
5 **HEALTH CARE SYSTEM**

6 **SECTION 9.1.(a)** G.S. 116-37(b) reads as rewritten:

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

10 (1) The board of directors shall be composed of 24 members as follows:

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

- 26 1. The President of The University of North Carolina or the
27 President's designee.
- 28 2. The Chief Executive Officer of the University of North
29 Carolina Health Care System.
- 30 3. The Chancellor of the University of North Carolina at Chapel
31 Hill.
- 32 4. The President of the University of North Carolina Hospitals.

33 a1. Eight members at large shall be appointed by the General Assembly
34 as follows:

- 35 1. One member shall be appointed by the General Assembly upon
36 recommendation of the Speaker of the House of
37 Representatives annually.
- 38 2. One member shall be appointed by the General Assembly upon
39 recommendation of the President Pro Tempore of the Senate
40 annually.

41 b. ~~Sixteen members at large shall be appointed for four year terms,~~
42 ~~commencing on November 1 of the year of appointment. Twelve of~~
43 ~~the members at large shall be appointed by the Board of Governors~~
44 ~~after consultation with the President of The University of North~~
45 ~~Carolina. Four of the members at large shall be appointed by the board~~
46 ~~of directors.~~ The Board of Governors shall appoint three members
47 annually.

48 e. ~~The initial class of at large members shall be composed of the~~
49 ~~following individuals:~~

- 50 1. ~~The persons who hold the appointed memberships on the board~~
51 ~~of directors as of October 31, 2012, and whose terms do not~~

1 expire on that date. The terms of membership for these at large
 2 members will expire on the last day of October of the year in
 3 which their term would have expired.

4 2. Three persons appointed by the Board of Governors after
 5 consultation with the President of The University of North
 6 Carolina whose terms will commence on November 1, 2012,
 7 and will expire on October 31, 2016.

8 3. One person appointed by the board of directors whose term
 9 will commence on November 1, 2012, and will expire on
 10 October 31, 2016.

11 The Board of Governors shall appoint successor at large members
 12 for those members whose terms end on October 31, 2013, October 31,
 13 2014, and four of the five members whose terms end on October 31,
 14 2016. The board of directors shall appoint successor at large members
 15 for those members whose terms end on October 31, 2015, and one of
 16 the five members whose terms end on October 31, 2016.

17 d. All at-large positions shall serve four-year terms beginning November
 18 1 of the year of appointment. At-large positions shall be filled by the
 19 appointment of persons from the business and professional public at
 20 large who have special competence in business management, hospital
 21 administration, health care delivery, or medical practice or who
 22 otherwise have demonstrated dedication to the improvement of health
 23 care in North Carolina, and who are neither members of the Board of
 24 Governors, members of the board of trustees of a constituent
 25 institution of The University of North Carolina, nor officers or
 26 employees of the State. No member may be appointed to more than
 27 two full four-year terms in succession, including members serving as
 28 of June 30, 2012. succession. Any vacancy in an unexpired term shall
 29 be filled by the appointing authority for the balance of the term
 30 remaining-remainder of the unexpired term. Vacancies for members
 31 appointed by the General Assembly shall be filled as provided in
 32 G.S. 120-122.

33"

34 **SECTION 9.1.(b)** The terms of office for all ex officio members of the board of
 35 directors of the University of North Carolina Health Care System repealed by this section shall
 36 expire July 1, 2023. All at-large members of the board of directors of the University of North
 37 Carolina Health Care System serving as of July 1, 2023, shall remain in office until their current
 38 term of appointment expires. Any vacancy occurring in a seat appointed by the board of directors
 39 expiring October 31, 2024, shall be filled by the General Assembly upon recommendation of the
 40 Speaker of the House of Representatives for the remainder of that term of office.

41 **SECTION 9.1.(c)** Notwithstanding the requirement for annual appointments by the
 42 General Assembly established by G.S. 116-37(b)(1)a1. and length of terms established by
 43 G.S. 116-37(b)(1)d., as enacted and amended by this section, the following appointments shall
 44 be made in 2023:

- 45 (1) For a term beginning July 1, 2023, and ending October 31, 2027, one member
 46 shall be appointed by the General Assembly upon recommendation of the
 47 Speaker of the House of Representatives and one member shall be appointed
 48 by the General Assembly upon recommendation of the President Pro Tempore
 49 of the Senate. Members appointed to fill those terms of office in 2027 shall be
 50 appointed to four-year terms of office as provided in G.S. 116-37(b)(1)d.

1 These members shall fill seats vacated by the prior ex officio members of the
2 board.

3 (2) For a term beginning July 1, 2023, and ending October 31, 2026, one member
4 shall be appointed by the General Assembly upon recommendation of the
5 Speaker of the House of Representatives and one member shall be appointed
6 by the General Assembly upon recommendation of the President Pro Tempore
7 of the Senate. Members appointed to fill those terms of office in 2026 shall be
8 appointed to four-year terms of office as provided in G.S. 116-37(b)(1)d.
9 These members shall fill seats vacated by the prior ex officio members of the
10 board.

11 (3) For a term beginning October 1, 2023, and ending October 31, 2025, one
12 member shall be appointed by the General Assembly upon recommendation
13 of the President Pro Tempore of the Senate. The member appointed to fill that
14 term of office in 2025 shall be appointed to a four-year term of office as
15 provided in G.S. 116-37(b)(1)d. This member shall fill a position expiring in
16 2023 held by a board of trustee appointment.

17 (4) For a term beginning October 1, 2023, and ending October 31, 2024, one
18 member shall be appointed by the General Assembly upon recommendation
19 of the President Pro Tempore of the Senate. This member shall fill a position
20 expiring in 2023 held by a board of trustee appointment.

21 (5) For a term beginning October 1, 2023, and ending October 31, 2025, one
22 member shall be appointed by the General Assembly upon recommendation
23 of the Speaker of the House of Representatives. The member appointed to fill
24 that term of office in 2025 shall be appointed to a four-year term of office as
25 provided in G.S. 116-37(b)(1)d. This member shall fill a position expiring in
26 2023 held by a board of trustee appointment.

27 **SECTION 9.1.(d)** In accordance with the requirements of G.S. 116-37(b)(1)a1., in
28 2024, the General Assembly shall make the following appointments:

29 (1) Upon recommendation of the Speaker of the House of Representatives,
30 appoint one member to the board for the expiring position held by the board
31 of trustee appointment expiring in 2024. The member appointed to fill that
32 term of office in 2024 shall be appointed to a four-year term of office as
33 provided in G.S. 116-37(b)(1)d.

34 (2) Upon recommendation of the President Pro Tempore of the Senate, appoint
35 one member to the board for the expiring one-year term appointed by the
36 General Assembly upon the recommendation of the President Pro Tempore in
37 2023. The member appointed to fill that term of office in 2024 shall be
38 appointed to a four-year term of office as provided in G.S. 116-37(b)(1)d.

39 **SECTION 9.1.(e)** Notwithstanding the requirement for the Board of Governors to
40 appoint three members annually, established by G.S. 116-37(b)(1)b., and length of terms
41 established by G.S. 116-37(b)(1)d., as amended by this section, appointments shall be made by
42 the Board of Governors as follows in 2023, 2024, 2025, and 2026:

43 (1) No appointments shall be made in 2023.

44 (2) In 2024, the Board of Governors shall appoint three members to terms ending
45 October 31, 2028, and one member to a term ending October 31, 2027.
46 Members appointed to fill those terms of office when expired shall be
47 appointed to four-year terms of office as provided in G.S. 116-37(b)(1)d.

48 (3) In 2025, the Board of Governors shall appoint one member to a term of office
49 ending October 31, 2029. The member appointed to fill that term of office
50 when expired shall be appointed to a four-year term of office as provided in
51 G.S. 116-37(b)(1)d.

1 (4) In 2026, the Board of Governors shall appoint three members to terms ending
2 October 31, 2030, two members to terms of office ending October 31, 2029,
3 and two members to terms of office ending October 31, 2027. Members
4 appointed to fill those terms of office when expired shall be appointed to
5 four-year terms of office as provided in G.S. 116-37(b)(1)d.
6

7 **PART X. MISCELLANEOUS**

8 **SECTION 10.1.** If any section or provision of this act is declared unconstitutional
9 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than
10 the part so declared to be unconstitutional or invalid.

11 **SECTION 10.2.** Except as otherwise provided, this act is effective when it becomes
12 law.