

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 512
Second Edition Engrossed 4/6/23
House Committee Substitute Favorable 5/30/23

Short Title: Greater Accountability for Boards/Commissions.

(Public)

Sponsors:

Referred to:

April 4, 2023

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

The General Assembly of North Carolina enacts:

PART I. ECONOMIC INVESTMENT COMMITTEE

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

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

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

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

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

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

...."

SECTION 1.1.(b) G.S. 120-123(76) is repealed.

PART II. ENVIRONMENTAL MANAGEMENT COMMISSION

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

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



* S 5 1 2 - V - 3 *

- 1 (a) Repealed by Session Laws 2013-360, s. 14.23(a), effective July 1, 2013.
- 2 (a1) Composition. – The Environmental Management Commission shall consist of 15
- 3 members as follows:
- 4 (1) One appointed by the Governor who shall be a licensed physician.
- 5 (2) One appointed by the Governor who shall at the time of appointment have
- 6 special training or scientific expertise in hydrology, water pollution control,
- 7 or the effects of water pollution.
- 8 (3) One appointed by the Governor who shall at the time of appointment have
- 9 special training or scientific expertise in hydrology, water pollution control,
- 10 or the effects of water pollution.
- 11 (4) One appointed by the Governor who shall at the time of appointment have
- 12 special training or scientific expertise in air pollution control or the effects of
- 13 air pollution.
- 14 (5) One appointed by the ~~Governor~~ Commissioner of Agriculture who shall at the
- 15 time of appointment be actively connected with or have had experience in
- 16 agriculture.
- 17 (6) One appointed by the Governor who shall at the time of appointment have
- 18 special training and scientific expertise in freshwater, estuarine, marine
- 19 biological, or ecological sciences or be actively connected with or have had
- 20 experience in the fish and wildlife conservation activities of the State.
- 21 (7) One appointed by the Governor who shall at the time of appointment be
- 22 actively employed by, or recently retired from, an industrial manufacturing
- 23 facility and shall be knowledgeable in the field of industrial pollution control.
- 24 (8) One appointed by the Governor who shall at the time of appointment be a
- 25 licensed engineer with specialized training and experience in water supply or
- 26 water or air pollution control.
- 27 (9) One appointed by the ~~Governor~~ Commissioner of Agriculture who shall serve
- 28 at large.
- 29 (10) One appointed by the General Assembly upon recommendation of the Speaker
- 30 of the House of Representatives in accordance with G.S. 120-121 who shall
- 31 serve at large.
- 32 (11) One appointed by the General Assembly upon recommendation of the Speaker
- 33 of the House of Representatives in accordance with G.S. 120-121 who shall
- 34 serve at large.
- 35 (12) One appointed by the General Assembly upon recommendation of the Speaker
- 36 of the House of Representatives in accordance with G.S. 120-121 who shall
- 37 serve at large.
- 38 (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 (14) 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 (15) One appointed by the General Assembly upon recommendation of the
- 45 President Pro Tempore of the Senate in accordance with G.S. 120-121 who
- 46 shall serve at large.
- 47 (b) Filling of Vacancies. – Any appointment to fill a vacancy on the Commission created
- 48 by the resignation, dismissal, death or disability of a member shall be for the balance of the
- 49 unexpired term. The Governor may reappoint a member of the Commission to an additional term
- 50 if, at the time of the reappointment, the member qualifies for membership on the Commission
- 51 under ~~subdivisions (1) through (9)~~ subdivision (1), (2), (3), (4), (6), (7), or (8) of subsection (a1)

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

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

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

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

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

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

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

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

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

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

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

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

PART III. COMMISSION FOR PUBLIC HEALTH

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

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

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

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

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

(3) Five appointed by the Governor.

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

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

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

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

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

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

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

PART IV. BOARD OF TRANSPORTATION

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

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

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

(b) ~~Membership of the Board.~~

- (1) ~~Number, appointment. — The Board of Transportation shall have 20 voting members. Voting members shall be appointed as provided in subdivisions (2) and (3) of this subsection for terms of office beginning July 31 of the year of initial appointment, and every four years thereafter. Fourteen of the members shall be division members appointed by the Governor. Six members shall be at-large members appointed by the General Assembly, three upon recommendation of the President Pro Tempore of the Senate and three upon recommendation of the Speaker of the House of Representatives. The Secretary of Transportation shall serve as an ex officio nonvoting member of the Board. No more than three members of the Board may reside in the same highway division.~~
- (2) ~~Division members. — One member shall be appointed from and be a resident of each of the 14 highway divisions. Division members shall regularly consult with and consider the views of local government units and Transportation Advisory Committees in the region they represent. The Governor shall appoint one member from each of the fourteen divisions as follows:~~
- ~~a. Division 1, beginning in 2020.~~
 - ~~b. Division 2, beginning in 2022.~~
 - ~~c. Division 3, beginning in 2020.~~
 - ~~d. Division 4, beginning in 2022.~~
 - ~~e. Division 5, beginning in 2022.~~
 - ~~f. Division 6, beginning in 2020.~~
 - ~~g. Division 7, beginning in 2022.~~
 - ~~h. Division 8, beginning in 2022.~~
 - ~~i. Division 9, beginning in 2020.~~
 - ~~j. Division 10, beginning in 2022.~~
 - ~~k. Division 11, beginning in 2022.~~
 - ~~l. Division 12, beginning in 2020.~~
 - ~~m. Division 13, beginning in 2022.~~
 - ~~n. Division 14, beginning in 2020.~~
- (3) ~~At-large members. — Six at-large members shall be appointed as follows:~~
- ~~a. Two members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, beginning in 2020.~~
 - ~~b. One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, beginning in 2022.~~
 - ~~c. Two members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, beginning in 2020.~~
 - ~~d. One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, beginning in 2022.~~
- Composition. — The Board of Transportation shall be composed as follows:
- (1) The Board shall consist of 20 voting members. The General Assembly shall appoint 14 voting members from which seven voting members shall be appointed upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 and seven voting members shall be appointed upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. Each highway division shall have at least one voting member that is a resident of that highway

division appointed by either the President Pro Tempore of the Senate or the Speaker of the House of Representatives. The Governor shall appoint six at-large voting members. No more than three voting members may reside in the same highway division.

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

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

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

...

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

...."

SECTION 4.1.(b) The terms of members serving on the Board of Transportation prior to the effective date of this section shall expire on June 30, 2023. Subsequent appointments to the Board shall be made in the manner provided by G.S. 143B-350(b), as amended by subsection (a) of this section, for four-year terms beginning on July 1 of the year of appointment, except that initial appointments shall be made as follows:

(1) The General Assembly shall appoint Highway Division 1, 2, 3, 4, 5, 6, 7, 9, 12, and 14 board members, with terms beginning on July 1, 2023, and expiring on June 30, 2025. Five of these appointments shall be made upon recommendation of the President Pro Tempore of the Senate and five upon recommendation of the Speaker of the House of Representatives.

(2) The Governor shall appoint six at-large board members, with terms beginning on July 1, 2023, and expiring on June 30, 2027.

(3) The General Assembly shall appoint Highway Division 8, 10, 11, and 13 board members, with terms beginning on July 1, 2023, and expiring on June 30, 2027. Two of these appointments shall be made upon recommendation of the President Pro Tempore of the Senate and two upon recommendation of the Speaker of the House of Representatives.

SECTION 4.1.(c) This section becomes effective July 1, 2023.

PART V. COASTAL RESOURCES COMMISSION

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

"§ 113A-104. Coastal Resources Commission.

...

(b1) Composition. – The Coastal Resources Commission shall consist of 13 members as 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 5.1.(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 48 **PART VI. WILDLIFE RESOURCES COMMISSION**

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

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

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 6.1.(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 6.1.(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 6.1.(d)** Subsections (b) and (c) of this section become effective June 30,
20 2025.

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

22 **SECTION 7.1.(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 7.1.(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 7.1.(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

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

PART VIII. BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM

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

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

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

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

1. The President of The University of North Carolina or the President's designee.
2. The Chief Executive Officer of the University of North Carolina Health Care System.
3. The Chancellor of the University of North Carolina at Chapel Hill.
4. The President of the University of North Carolina Hospitals.

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

1. One member shall be appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives annually.
2. One member shall be appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate annually.

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

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

- ~~1. The persons who hold the appointed memberships on the board 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 8.1.(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 8.1.(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.

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

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

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

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

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

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

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

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

SECTION 8.1.(e) Notwithstanding the requirement for the Board of Governors to appoint three members annually, established by G.S. 116-37(b)(1)b., and length of terms established by G.S. 116-37(b)(1)d., as amended by this section, appointments shall be made by the Board of Governors as follows in 2023, 2024, 2025, and 2026:

(1) No appointments shall be made in 2023.

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

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

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

PART IX. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

SECTION 9.1.(a) G.S. 116-5 is repealed.

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

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

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

(1) Beginning July 1, 2025, and every four years thereafter, the General Assembly shall appoint members of the Board of Governors as follows:

- a. Seven members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.
- b. Seven members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, in accordance with G.S. 120-121.

(2) Beginning July 1, 2027, and every four years thereafter, the General Assembly shall appoint members of the Board of Governors as follows:

- a. Seven members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.
- b. Seven members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, in accordance with G.S. 120-121.

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

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

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

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

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

(g) Effective July 1, 1991, and thereafter, any person who has served at least one term as a member of the Board of Governors after having served as Governor of North Carolina shall be a member emeritus of the Board of Governors, with all the rights and privileges of membership as in G.S. 116-6(f)."

SECTION 9.1.(c) G.S. 116-6.1 reads as rewritten:

"§ 116-6.1. Student member of the Board of Governors.

(a) Commencing July 1, 1991, and during a person's continuance as a student in good standing at a constituent institution of The University of North Carolina, the person serving as president of the University of North Carolina Association of Student Governments (UNCASG) or the person's designee shall serve ex officio as a member of the Board of Governors. This student member shall be in addition to the ~~24-28~~ members ~~elected~~appointed to the Board of Governors.

(b) The student member shall have all the rights and privileges of membership, except that the student member shall not have a vote."

SECTION 9.1.(d) G.S. 116-7 reads as rewritten:

"§ 116-7. General provisions concerning members of the Board of Governors.

(a) All members of the Board of Governors shall be selected for their interest in, and their ability to contribute to the fulfillment of, the purposes of the Board of Governors, and all members shall be deemed members-at-large, charged with the responsibility of serving the best interests of the whole State. In ~~electing~~appointing members, the objective shall be to obtain the services of the citizens of the State who are qualified by training and experience to administer the affairs of The University of North Carolina. Members shall be selected based upon their ability to further the educational mission of The University through their knowledge and understanding of the educational needs and desires of all the State's citizens, and their economic, geographic, political, racial, gender, and ethnic diversity.

(b) No member of the General Assembly or officer or employee of the State, The University of North Carolina, or any constituent institution may be a member of the Board of Governors. No spouse of a member of the General Assembly, or of an officer or employee of The University of North Carolina, or of any constituent institution may be a member of the Board of Governors. Any member of the Board of Governors who is elected or appointed to the General Assembly or who becomes an officer or employee of the State or of any constituent institution or whose spouse is elected or appointed to the General Assembly or becomes an officer or employee of The University of North Carolina or of any constituent institution shall be deemed thereupon to resign from his membership on the Board of Governors.

(b1) Upon receipt of a referral from the State Ethics Commission in accordance with G.S. 138A-12(m) concerning a member of the Board of Governors, the principal clerk of the house of the General Assembly receiving the referral shall immediately refer the matter to the appropriate education committee of that house. That committee may recommend to that house a resolution providing for the removal of the Board member. If the committee's proposed resolution is adopted by a majority of the members present and voting of that house, the public servant shall be removed and the seat previously held by that Board member becomes vacant.

(c) Whenever any vacancy shall occur in the ~~elected~~appointed membership of the Board of Governors, it shall be the duty of the Board to inform the Speaker of the House of Representatives and the President of the Senate of the vacancy. ~~The chamber that originally elected the vacating member shall elect a person to fill the vacancy.~~ Vacancy appointments shall be made by the General Assembly in the same manner as required for appointment under G.S. 116-6(a) for the remainder of the term of office. The vacancy shall remain unfilled until the ~~appropriate chamber of the General Assembly elects~~appoints a person to fill the vacancy.

The vacancy shall be filled not later than the adjournment sine die of the next regular session of the General Assembly. ~~The election shall be for the remainder of the unexpired term.~~ Whenever a member shall fail, for any reason other than ill health or service in the interest of the

1 State or nation, to be present for four successive regular meetings of the Board, ~~his place as a~~
2 ~~member the member's seat~~ shall be deemed vacant."

3 **SECTION 9.1.(e)** G.S. 138A-24(f) reads as rewritten:

4 "(f) The Commission shall prepare a written evaluation of each statement of economic
5 interest for nominees of the Board of Governors of The University of North Carolina ~~elected~~
6 appointed pursuant to G.S. 116-6, and nominees of the State Board of Community Colleges
7 elected pursuant to G.S. 115D-2.2 within seven days of the submission of the completed
8 statement of economic interest to the Commission."

9 **SECTION 9.1.(f)** Notwithstanding G.S. 116-6(a), as amended by this section, the
10 General Assembly shall appoint four additional members of the Board of Governors as follows:

11 (1) Two members appointed to two-year terms beginning July 1, 2023, and
12 expiring June 30, 2025. In accordance with G.S. 120-121, one appointment
13 shall be upon the recommendation of the President Pro Tempore of the Senate
14 and one appointment shall be upon the recommendation of the Speaker of the
15 House of Representatives. A two-year term pursuant to this subdivision shall
16 not count toward the three-term limitation established in G.S. 116-6(e), as
17 amended by this section.

18 (2) Two members appointed to four-year terms beginning July 1, 2023, and
19 expiring June 30, 2027. In accordance with G.S. 120-121, one appointment
20 shall be upon the recommendation of the President Pro Tempore of the Senate
21 and one appointment shall be upon the recommendation of the Speaker of the
22 House of Representatives.

23 **SECTION 9.1.(g)** Notwithstanding G.S. 116-6(a), as amended by this section,
24 members elected to the Board of Governors as of the effective date of this section shall serve the
25 remainder of their terms.

26 **SECTION 9.1.(h)** Any vacancy on the Board of Governors for a seat elected by
27 either chamber of the General Assembly filled on or after the effective date of this section shall
28 be filled for the remainder of the term in the following manner:

29 (1) If the vacating member was elected by the Senate, the vacancy shall be filled
30 by appointment of the General Assembly upon the recommendation of the
31 President Pro Tempore of the Senate, in accordance with G.S. 120-121.

32 (2) If the vacating member was elected by the House of Representatives, the
33 vacancy shall be filled by appointment of the General Assembly upon the
34 recommendation of the Speaker of the House of Representatives, in
35 accordance with G.S. 120-121.

36 **SECTION 9.1.(i)** This section is effective when it becomes law.
37

38 **PART X. MISCELLANEOUS**

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

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