

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 801

State Personnel and State Government Committee Substitute Adopted 5/9/91

Short Title: President Pro Tempore Appointments.

(Public)

Sponsors:

Referred to:

April 24, 1991

A BILL TO BE ENTITLED

1 AN ACT TO FURTHER PROVIDE FOR THE SEPARATION OF POWERS
2 BETWEEN THE LEGISLATIVE AND EXECUTIVE BRANCHES OF
3 GOVERNMENT BY PROVIDING THAT THE PRESIDENT PRO TEMPORE OF
4 THE SENATE RATHER THAN THE LIEUTENANT GOVERNOR SHALL
5 MAKE APPOINTMENTS TO CERTAIN LEGISLATIVE COMMISSIONS AND
6 COMMITTEES RELATING TO THE ENVIRONMENT AND PUBLIC
7 UTILITIES.
8

9 Whereas, (1) the President of the Senate makes or recommends appointments
10 to the North Carolina Courts Commission; and

11 Whereas, (2) the President of the Senate makes or recommends appointments
12 to the Juvenile Law Study Commission; and

13 Whereas, (3) the President of the Senate makes or recommends appointments
14 to the Crime Victims Compensation Commission; and

15 Whereas, (4) the President of the Senate makes or recommends appointments
16 to the North Carolina Criminal Justice Education and Training Standards Commission;
17 and

18 Whereas, (5) the President of the Senate makes or recommends appointments
19 to the North Carolina Sheriffs' Education and Training Standards Commission; and

20 Whereas, (6) the President of the Senate makes or recommends appointments
21 to the Motor Vehicle Dealers' Advisory Board; and

22 Whereas, (7) the President of the Senate makes or recommends appointments
23 to the State Banking Commission; and

1 Whereas, (8) the President of the Senate makes or recommends appointments
2 to the Public Officers and Employees Liability Insurance Commission; and

3 Whereas, (9) the President of the Senate makes or recommends appointments
4 to the Board of Governors of the North Carolina Health Care Excess Liability Fund; and

5 Whereas, (10) the President of the Senate makes or recommends
6 appointments to the North Carolina Health Insurance Trust Commission; and

7 Whereas, (11) the President of the Senate makes or recommends
8 appointments to the State Fire and Rescue Commission; and

9 Whereas, (12) the President of the Senate in certain circumstances makes or
10 recommends appointments to the North Carolina Utilities Commission; and

11 Whereas, (13) the President of the Senate makes or recommends
12 appointments to the Private Protective Services Board; and

13 Whereas, (14) the President of the Senate makes or recommends
14 appointments to the Alarm Systems Licensing Board; and

15 Whereas, (15) the President of the Senate makes or recommends
16 appointments to the Disciplinary Hearing Commission; and

17 Whereas, (16) the President of the Senate makes or recommends
18 appointments to the State Board of Cosmetic Art Examiners; and

19 Whereas, (17) the President of the Senate makes or recommends
20 appointments to the State Board of Chiropractic Examiners; and

21 Whereas, (18) the President of the Senate makes or recommends
22 appointments to the North Carolina Veterinary Medical Board; and

23 Whereas, (19) the President of the Senate makes or recommends
24 appointments to the State Board of Therapeutic Recreation Certification; and

25 Whereas, (20) the President of the Senate makes or recommends
26 appointments to the Southern States Energy Board; and

27 Whereas, (21) the President of the Senate makes or recommends
28 appointments to the Advisory Committee to the North Carolina Members of the Low-
29 Level Radioactive Waste Management Compact Commission; and

30 Whereas, (22) the President of the Senate makes or recommends
31 appointments to the North Carolina Low-Level Radioactive Waste Management
32 Authority; and

33 Whereas, (23) the President of the Senate makes or recommends
34 appointments to the Milk Commission; and

35 Whereas, (24) the President of the Senate makes or recommends
36 appointments to the Northeastern Farmers Market Commission; and

37 Whereas, (25) the President of the Senate makes or recommends
38 appointments to the Southeastern Farmers Market Commission; and

39 Whereas, (26) the President of the Senate makes or recommends
40 appointments to the Recreation and Natural Heritage Trust Fund Board of Trustees; and

41 Whereas, (27) the President of the Senate makes or recommends
42 appointments to the North Carolina Seafood Industrial Park Authority; and

43 Whereas, (28) the President of the Senate makes or recommends
44 appointments to the Energy Policy Council; and

1 Whereas, (29) the President of the Senate makes or recommends
2 appointments to the State School Health Advisory Committee; and

3 Whereas, (30) the President of the Senate makes or recommends
4 appointments to the Council on Educational Services for Exceptional Children; and

5 Whereas, (31) the President of the Senate makes or recommends
6 appointments to the State Advisory Council on Indian Education; and

7 Whereas, (32) the President of the Senate makes or recommends
8 appointments to the North Carolina Teaching Fellows Commission; and

9 Whereas, (33) the President of the Senate makes or recommends
10 appointments to the Commission on School Facility Needs; and

11 Whereas, (34) the President of the Senate makes or recommends
12 appointments to the Educational Facilities Finance Agency; and

13 Whereas, (35) the President of the Senate makes or recommends
14 appointments to the Board of Trustees of The University of North Carolina Center for
15 Public Television; and

16 Whereas, (36) the President of the Senate makes or recommends
17 appointments to the NCCAT Board of Trustees; and

18 Whereas, (37) the President of the Senate makes or recommends
19 appointments to the Board of Trustees of North Carolina School of Science and
20 Mathematics; and

21 Whereas, (38) the President of the Senate makes or recommends
22 appointments to the Board of Directors of the Arboretum; and

23 Whereas, (39) the President of the Senate makes or recommends
24 appointments to the Commission on Children with Special Needs; and

25 Whereas, (40) the President of the Senate makes or recommends
26 appointments to the Joint Legislative Utility Review Committee; and

27 Whereas, (41) the President of the Senate makes or recommends
28 appointments to the Joint Select Committee on Low-Level Radioactive Waste; and

29 Whereas, (42) the President of the Senate makes or recommends
30 appointments to the Environmental Review Commission; and

31 Whereas, (43) the President of the Senate makes or recommends
32 appointments to the Legislative Ethics Committee; and

33 Whereas, (44) the President of the Senate makes or recommends
34 appointments to the Legislative Committee on New Licensing Boards; and

35 Whereas, (45) the President of the Senate makes or recommends
36 appointments to the Agriculture, Forestry, and Seafood Awareness Study Commission;
37 and

38 Whereas, (46) the President of the Senate makes or recommends
39 appointments to the Joint Legislative Commission on Municipal Incorporations; and

40 Whereas, (47) the President of the Senate makes or recommends
41 appointments to the North Carolina Study Commission on Aging; and

42 Whereas, (48) the President of the Senate makes or recommends
43 appointments to the North Carolina Housing Finance Agency; and

1 Whereas, (49) the President of the Senate makes or recommends
2 appointments to the North Carolina Agricultural Finance Authority; and

3 Whereas, (50) the President of the Senate makes or recommends
4 appointments to the North Carolina Housing Partnership; and

5 Whereas, (51) the President of the Senate makes or recommends
6 appointments to the Governor's Council on Physical Fitness and Health; and

7 Whereas, (52) the President of the Senate makes or recommends
8 appointments to the North Carolina Medical Database Commission; and

9 Whereas, (53) the President of the Senate makes or recommends
10 appointments to the Board of Trustees Teachers' and State Employees' Retirement
11 System; and

12 Whereas, (54) the President of the Senate makes or recommends
13 appointments to the Committee on Employee Hospital and Medical Benefits; and

14 Whereas, (55) the President of the Senate makes or recommends
15 appointments to the Board of Trustees of the Teachers' and State Employees'
16 Comprehensive Major Medical Plan; and

17 Whereas, (56) the President of the Senate makes or recommends
18 appointments to the Board of Trustees of the North Carolina Museum of Art; and

19 Whereas, (57) the President of the Senate makes or recommends
20 appointments to the Advisory Budget Commission; and

21 Whereas, (58) the President of the Senate makes or recommends
22 appointments to the State Building Commission; and

23 Whereas, (59) the President of the Senate makes or recommends
24 appointments to the North Carolina Code Officials Qualification Board; and

25 Whereas, (60) the President of the Senate makes or recommends
26 appointments to the North Carolina Wildlife Resources Commission; and

27 Whereas, (61) the President of the Senate makes or recommends
28 appointments to the North Carolina Office of Local Government Advocacy; and

29 Whereas, (62) the President of the Senate makes or recommends
30 appointments to the Emergency Medical Services Advisory Council; and

31 Whereas, (63) the President of the Senate makes or recommends
32 appointments to the Committee on Inaugural Ceremonies; and

33 Whereas, (64) the President of the Senate makes or recommends
34 appointments to the Administrative Rules Review Commission; and

35 Whereas, (65) the President of the Senate makes or recommends
36 appointments to the Art Museum Building Commission; and

37 Whereas, (66) the President of the Senate makes or recommends
38 appointments to the Advisory Committee on Abandoned Cemeteries; and

39 Whereas, (67) the President of the Senate makes or recommends
40 appointments to the Andrew Jackson Historic Memorial Committee; and

41 Whereas, (68) the President of the Senate makes or recommends
42 appointments to the Commission for Mental Health, Developmental Disabilities, and
43 Substance Abuse Services; and

1 Whereas, (69) the President of the Senate makes or recommends
2 appointments to the Consumer and Advocacy Advisory Committee for the Blind; and

3 Whereas, (70) the President of the Senate makes or recommends
4 appointments to the Child Day-Care Commission; and

5 Whereas, (71) the President of the Senate makes or recommends
6 appointments to the Governor's Advisory Council on Aging; and

7 Whereas, (72) the President of the Senate makes or recommends
8 appointments to the North Carolina Council on the Holocaust; and

9 Whereas, (73) the President of the Senate makes or recommends
10 appointments to the Property Tax Commission; and

11 Whereas, (74) the President of the Senate makes or recommends
12 appointments to the Substance Abuse Advisory Council; and

13 Whereas, (75) the President of the Senate makes or recommends
14 appointments to the Environmental Management Commission; and

15 Whereas, (76) the President of the Senate makes or recommends
16 appointments to the Governor's Waste Management Board; and

17 Whereas, (77) the President of the Senate makes or recommends
18 appointments to the Board of Transportation; and

19 Whereas, (78) the President of the Senate makes or recommends
20 appointments to the North Carolina Capital Planning Commission; and

21 Whereas, (79) the President of the Senate makes or recommends
22 appointments to the North Carolina Council on Interstate Cooperation; and

23 Whereas, (80) the President of the Senate makes or recommends
24 appointments to the North Carolina Human Relations Commission; and

25 Whereas, (81) the President of the Senate makes or recommends
26 appointments to the Governor's Advocacy Council for Persons with Disabilities; and

27 Whereas, (82) the President of the Senate makes or recommends
28 appointments to the North Carolina State Commission of Indian Affairs; and

29 Whereas, (83) the President of the Senate makes or recommends
30 appointments to the Governor's Advocacy Council on Children and Youth; and

31 Whereas, (84) the President of the Senate makes or recommends
32 appointments to the North Carolina Internship Council; and

33 Whereas, (85) the President of the Senate makes or recommends
34 appointments to the North Carolina Public Employee Deferred Compensation Plan; and

35 Whereas, (86) the President of the Senate makes or recommends
36 appointments to the North Carolina Farmworker Council; and

37 Whereas, (87) the President of the Senate makes or recommends
38 appointments to the North Carolina Board of Science and Technology; and

39 Whereas, (88) the President of the Senate in certain circumstances makes or
40 recommends appointment of the State Controller; and

41 Whereas, (89) the President of the Senate makes or recommends
42 appointments to the North Carolina Agency for Public Telecommunications; and

43 Whereas, (90) the President of the Senate makes or recommends
44 appointments to the North Carolina State Ports Authority; and

1 Whereas, (91) the President of the Senate makes or recommends
2 appointments to the North Carolina Technological Development Authority; and

3 Whereas, (92) the President of the Senate makes or recommends
4 appointments to the Governor's Crime Commission; and

5 Whereas, (93) the President of the Senate makes or recommends
6 appointments to the Local Government Commission; and

7 Whereas, (94) the President of the Senate makes or recommends
8 appointments to the General Statutes Commission; and

9 Whereas, (95) the President of the Senate makes or recommends
10 appointments to the North Carolina Sentencing and Policy Advisory Commission; and

11 Whereas, the three boards named in the body of this act have Senators as
12 members; and

13 Whereas, it has been suggested that the President Pro Tempore of the Senate
14 make these appointments; Now, therefore,

15 The General Assembly of North Carolina enacts:

16 Section 1. G.S. 120-70.2 reads as rewritten:

17 **"§ 120-70.2. Appointment of members and organization.**

18 The Joint Committee shall consist of six sitting members of the General Assembly.
19 Three shall be appointed by the President Pro Tempore of the Senate from the
20 membership of the Senate and three shall be appointed by the Speaker of the House of
21 Representatives from the membership of the House. Members will serve at the pleasure
22 of their appointing officer and any vacancies occurring on the Joint Committee shall be
23 filled by the presiding officer of the appropriate house. ~~The initial membership of the Joint~~
24 ~~Committee shall consist of the membership of the Utility Review Committee on June 28, 1985.~~
25 ~~A Senate cochairman and a House cochairman shall be elected by the Joint Committee from~~
26 ~~among its members.—~~The President Pro Tempore of the Senate shall designate one
27 Senator to serve as cochairman and the Speaker of the House of Representatives shall
28 designate one Representative to serve as cochairman. A quorum shall consist of four
29 members."Sec. 2. G.S. 120-70.3(8) reads as rewritten:

30 "(8) To undertake such additional studies or evaluations as may, from time
31 to time, be requested by the President Pro Tempore of the Senate, the
32 Speaker of the House of Representatives, the Legislative Research
33 Commission, or either House of the General Assembly."

34 Sec. 3. G.S. 120-70.32 reads as rewritten:

35 **"§ 120-70.32. Membership; cochairmen; vacancies; quorum.**

36 The Joint Select Committee shall consist of six Senators appointed by the President
37 Pro Tempore of the Senate and six Representatives appointed by the Speaker of the
38 House of Representatives who shall serve at the pleasure of their appointing officer.
39 The President Pro Tempore of the Senate shall designate one Senator to serve as
40 cochairman and the Speaker of the House of Representatives shall designate one
41 Representative to serve as cochairman. Any vacancy which occurs on the Joint Select
42 Committee shall be filled in the same manner as the original appointment. A quorum of
43 the Joint Select Committee shall consist of seven members."

44 Sec. 4. G.S. 120-70.33(8) reads as rewritten:

1 "(8) To undertake such additional studies as it deems appropriate or as may
2 from time to time be requested by ~~the President of the Senate,~~ the
3 President Pro Tempore of the Senate, the Speaker of the House of
4 Representatives, either house of the General Assembly, the Legislative
5 Research Commission, the Joint Legislative Commission on
6 Governmental Operations, the Environmental Review Commission, or
7 the Joint Legislative Utility Review Committee, and to make such
8 reports and recommendations to the General Assembly regarding such
9 studies as it deems appropriate."

10 Sec. 5. G.S. 120-70.42 reads as rewritten:

11 **"§ 120-70.42. Membership; cochairmen; vacancies; quorum.**

12 The Environmental Review Commission shall consist of five Senators appointed by
13 the President Pro Tempore of the Senate, ~~the Chairman of the Senate Committee on~~
14 ~~Environment and Natural Resources,~~ five Representatives appointed by the Speaker of the
15 House of Representatives, ~~and the Chair of the House of Representatives Committee on~~
16 ~~Basic Resources~~ who shall serve at the pleasure of their appointing ~~officer.~~ officer, the
17 Chairman of the Senate Committee on Environment and Natural Resources, and the
18 Chairman of the House of Representatives Committee on the Environment. The
19 President Pro Tempore of the Senate shall designate one Senator to serve as cochairman
20 and the Speaker of the House of Representatives shall designate one Representative to
21 serve as cochairman. Any vacancy which occurs on the Environmental Review
22 Commission shall be filled in the same manner as the original appointment. A quorum
23 of the Environmental Review Commission shall consist of seven members."

24 Sec. 6. G.S. 120-70.43(7) reads as rewritten:

25 "(7) To undertake such additional studies as it deems appropriate or as may
26 from time to time be requested by ~~the President of the Senate,~~ the
27 President Pro Tempore of the Senate, the Speaker of the House of
28 Representatives, either house of the General Assembly, the Legislative
29 Research Commission, the Joint Legislative Commission on
30 Governmental Operations, the Joint Legislative Utility Review
31 Committee, or the Joint Select Committee on Low-Level Radioactive
32 Waste and to make such reports and recommendations to the General
33 Assembly regarding such studies as it deems appropriate; provided that
34 the Environmental Review Commission shall not undertake any study
35 which the General Assembly has assigned to another legislative
36 commission or committee."

37 Sec. 7. This act shall not be construed to affect the validity or term of any
38 appointment made prior to the effective date of this act. This act is effective on and
39 after 30 January 1991.