

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 369

Short Title: GPAC/DOA Reorganization.

(Public)

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Sponsors: (by request) Representatives Robinson, Blue, Barnes, Diamont, Hackney, Hensley, H. Hunter, G. Miller, and Nesbitt.

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Referred to: State Government.

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February 25, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE TO REORGANIZE THE DEPARTMENT OF ADMINISTRATION.

The General Assembly of North Carolina enacts:

—REORGANIZE DEP'T OF ADMINISTRATION.

Section 1. (a) G.S. 143B-367 reads as rewritten:

**"§ 143B-367. Duties of the Department.**

It shall be the duty of the Department of Administration to ~~serve as a staff agency to the Governor and to provide for such ancillary administrative services~~ as the other departments of State government might need to insure efficient and effective operations."

(b) The Secretary of Administration shall streamline the alignment of functions in the Department of Administration mandated by this section to provide improved management support to agencies across State government.

—TRANSFER DOA ADVOCACY GROUPS.

Sec. 2. (a) Youth Advocacy and Involvement Office transfer. – All of the powers, duties, and functions of the Youth Advocacy and Involvement Office are transferred from the Department of Administration to the Office of the Governor. This transfer shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

(b) North Carolina Human Relations Commission transfer. – All of the powers, duties, and functions of the North Carolina Human Relations Commission, which is described in Part 9 of Article 9 of Chapter 143B of the General Statutes are transferred

1 from the Department of Administration to the Office of the Governor. This transfer  
2 shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

3 (c) North Carolina Council for Women transfer. – All of the powers, duties, and  
4 functions of the North Carolina Council for Women, which is described in Part 10 of  
5 Article 9 of Chapter 143B of the General Statutes, except for the powers, duties, and  
6 functions that deal with the administration of grants for domestic violence and sexual  
7 assault centers, are transferred from the Department of Administration to the Office of  
8 the Governor. This transfer shall include all elements of a Type I transfer, as defined in  
9 G.S. 143A-6.

10 All of the powers, duties, and functions of the North Carolina Council for  
11 Women, which is described in Part 10 of Article 9 of Chapter 143B of the General  
12 Statutes, that deal with the administration of grants for domestic violence and sexual  
13 assault centers, are transferred from the Department of Administration to the  
14 Department of Human Resources, Division of Social Services. This transfer shall  
15 include all elements of a Type I transfer, as defined in G.S. 143A-6.

16 The Director of the Budget shall resolve all conflicts regarding the transfers  
17 mandated by this subsection.

18 (d) Veterans' Affairs Commission transfer. – All of the powers, duties, and  
19 functions of the Veterans' Affairs Commission, which is described in Part 13 of Article  
20 9 of Chapter 143B of the General Statutes, are transferred from the Department of  
21 Administration to the Office of the Governor. This transfer shall include all elements of  
22 a Type I transfer, as defined in G.S. 143A-6.

23 (e) Governor's Advocacy Council for Persons with Disabilities transfer. – All  
24 of the powers, duties, and functions of the Governor's Advocacy Council for Persons  
25 with Disabilities, which is described in Part 14A of Article 9 of Chapter 143B of the  
26 General Statutes, except the powers, duties, and functions for the programs that deal  
27 with assisting the disabled in obtaining housing, employment, and other services, are  
28 transferred from the Department of Administration to the Office of the Governor. This  
29 transfer shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

30 All of the powers, duties, and functions of the Governor's Advocacy Council  
31 for Persons with Disabilities, which is described in Part 14A of Article 9 of Chapter  
32 143B of the General Statutes, that deal with assisting the disabled in obtaining housing,  
33 employment, and other services, are transferred from the Department of Administration  
34 to the Department of Human Resources, Vocational Rehabilitation Program. This  
35 transfer shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

36 The Director of the Budget shall resolve all conflicts regarding the transfers  
37 mandated by this subsection.

38 (f) North Carolina State Commission of Indian Affairs transfer. – All of the  
39 powers, duties, and functions of the North Carolina State Commission of Indian Affairs  
40 described in Part 15 of Article 9 of Chapter 143B of the General Statutes, are transferred  
41 from the Department of Administration to the Office of the Governor. This transfer  
42 shall include all elements of a Type II transfer, as defined in G.S. 143A-6.

43 (g) Part 9 of Article 9 of Chapter 143B of the General Statutes, consisting of  
44 G.S. 143B-391 and G.S. 143B-392, is recodified and reads as rewritten:

1 ~~"PART 9. NORTH CAROLINA HUMAN RELATIONS COMMISSION.~~

2 ~~"§ 143Br Commission – creation; powers and duties.~~

3 There is hereby created the North Carolina Human Relations Commission of the  
4 ~~Department of Administration.~~ Office of the Governor. The North Carolina Human  
5 Relations Commission shall have the following functions and duties:

- 6 (1) To study problems concerning human relations;
- 7 (2) To promote equality of opportunity for all citizens;
- 8 (3) To promote understanding, respect, and goodwill among all citizens;
- 9 (4) To provide channels of communication among the races;
- 10 (5) To encourage the employment of qualified people without regard to  
11 race;
- 12 (6) To encourage youths to become better trained and qualified for  
13 employment;
- 14 (7) To receive on behalf of the ~~Department of Administration~~ Office of the  
15 Governor and to recommend expenditure of gifts and grants from  
16 public and private donors;
- 17 (8) To enlist the cooperation and assistance of all State and local  
18 government officials in the attainment of the objectives of the  
19 Commission;
- 20 (9) To assist local good neighborhood councils and biracial human  
21 relations committees in promoting activities related to the functions of  
22 the Commission enumerated above;
- 23 (10) To advise the ~~Secretary of Administration~~ Governor upon any matter ~~the~~  
24 ~~Secretary may refer~~ referred to it;
- 25 (11) To administer the provisions of the State Fair Housing Act as outlined  
26 in Chapter 41A of the General Statutes;
- 27 (12) To administer the provisions of Chapter 99D of the General Statutes.

28 ~~"§ 143BG Commission – members; selection; quorum; compensation.~~

29 (a) The Human Relations Commission of the ~~Department of Administration~~ Office  
30 of the Governor shall consist of 20 members. The Governor shall appoint one member  
31 from each of the 11 congressional districts, plus five members at large, including the  
32 chairperson. The Speaker of the North Carolina House of Representatives shall appoint  
33 two members to the Commission. The Lieutenant Governor shall appoint two members  
34 to the Commission. The terms of four of the members appointed by the Governor shall  
35 expire June 30, 1988. The terms of four of the members appointed by the Governor  
36 shall expire June 30, 1987. The terms of four of the members appointed by the  
37 Governor shall expire June 30, 1986. The terms of four of the members appointed by  
38 the Governor shall expire June 30, 1985. The terms of the members appointed by the  
39 Speaker of the North Carolina House of Representatives shall expire June 30, 1986.  
40 The terms of the members appointed by the Lieutenant Governor shall expire June 30,  
41 1986. At the end of the respective terms of office of the initial members of the  
42 Commission, the appointment of their successors shall be for terms of four years. No  
43 member of the commission shall serve more than two consecutive terms. A member  
44 having served two consecutive terms shall be eligible for reappointment one year after

1 the expiration of his second term. Any appointment to fill a vacancy on the  
2 Commission created by the resignation, dismissal, death, or disability of a member shall  
3 be filled in the manner of the original appointment for the unexpired term.

4 (b) Members of the Commission shall receive per diem and necessary travel and  
5 subsistence expenses in accordance with the provisions of G.S. 138-5.

6 (c) A majority of the Commission shall constitute a quorum for the transaction of  
7 business.

8 (d) All clerical and support services required by the Commission shall be  
9 supplied by the ~~Secretary of the Department of Administration~~ Office of the Governor."

10 (h) Part 10 of Article 9 of Chapter 143B of the General Statutes, consisting  
11 of G.S. 143B-393 and G.S. 143B-394, is recodified and reads as rewritten:

12 **"PART 10. NORTH CAROLINA COUNCIL FOR WOMEN.**

13 **"§ 143B\*creation; powers and duties.**

14 There is hereby created the North Carolina Council for Women of the ~~Department of~~  
15 ~~Administration~~ Office of the Governor. The North Carolina Council for Women shall  
16 have the following functions and duties:

- 17 (1) To advise the Governor, the principal State departments, and the State  
18 legislature concerning the education and employment of women in the  
19 State of North Carolina; and
- 20 (2) To advise the ~~Secretary of Administration~~ Governor upon any matter ~~the~~  
21 ~~Secretary may refer~~ referred to it; and
- 22 (3) To establish programs for the assistance of displaced homemakers as  
23 set forth in Part 10B of this Article.

24 **"§ 143Btmembers; selection; quorum; compensation.**

25 The North Carolina Council for Women of the ~~Department of Administration~~ Office of  
26 the Governor shall consist of 20 members appointed by the Governor. The initial  
27 members of the Council shall be the appointed members of the North Carolina Council  
28 for Women, three of whose appointments expire June 30, 1977, and four of whose  
29 appointments expire June 30, 1978. Thirteen additional members shall be appointed in  
30 1977, six of whom shall serve terms expiring June 30, 1978, and seven of whom shall  
31 serve terms expiring June 30, 1979. At the ends of the respective terms of office of the  
32 initial members of the Council and of the 13 members added in 1977, the appointment  
33 of their successors shall be for terms of two years and until their successors are  
34 appointed and qualify. Any appointment to fill a vacancy on the Council created by the  
35 resignation, dismissal, death, or disability of a member shall be for the balance of the  
36 unexpired term. Members of the Council shall be representative of age, sex, ethnic and  
37 geographic backgrounds.

38 The Governor shall have the power to remove any member of the Council from  
39 office in accordance with the provisions of G.S. 143B-16 of the Executive Organization  
40 Act of 1973.

41 The Governor shall designate a member of the Council to serve as chairman at the  
42 pleasure of the Governor.

43 Members of the Council shall receive per diem and necessary travel and subsistence  
44 expenses in accordance with the provisions of G.S. 138-5.

1 A majority of the Council shall constitute a quorum for the transaction of business.

2 All clerical and other services required by the Council shall be supplied by the  
3 ~~Secretary of Administration—Office of the Governor.~~"

4 (i) Part 13 of Article 9 of Chapter 143B of the General Statutes, consisting of  
5 G.S. 143B-399, 143B-400, and 143B-401, is recodified and reads as rewritten:

6 **~~"PART 13. VETERANS' AFFAIRS COMMISSION.~~**

7 **~~"§ 143B" creation, powers and duties.~~**

8 There is hereby created the Veterans' Affairs Commission of the ~~Department of~~  
9 ~~Administration—Office of the Governor.~~ The Veterans' Affairs Commission shall have  
10 the following functions and duties:

- 11 (1) To advise the Governor on matters relating to the affairs of veterans in  
12 North Carolina;
- 13 (2) To maintain a continuing review of the operation and budgeting of  
14 existing programs for veterans and their dependents in the State and to  
15 make any recommendations to the Governor for improvements and  
16 additions to such matters to which the Governor shall give due  
17 consideration;
- 18 (3) To serve collectively as a liaison between the Division of Veterans  
19 Affairs and the veterans organizations represented on the Commission;
- 20 (4) To promulgate rules and regulations concerning the awarding of  
21 scholarships for children of North Carolina veterans as provided by  
22 Article 4 of Chapter 165 of the General Statutes of North Carolina.  
23 The Commission shall make rules and regulations consistent with the  
24 provisions of this Chapter. All rules and regulations not inconsistent  
25 with the provisions of this Chapter heretofore adopted by the State  
26 Board of Veterans' Affairs shall remain in full force and effect unless  
27 and until repealed or superseded by action of the Veterans Affairs  
28 Commission. All rules and regulations adopted by the Commission  
29 shall be enforced by the Division of Veterans' Affairs;
- 30 (4a) To promulgate rules concerning the awarding of the North Carolina  
31 Services Medal to all veterans who have served in any period of war as  
32 defined in 38 U.S.C. § 101. The award shall be self-financing; those  
33 who wish to be awarded the medal shall pay a fee to cover the  
34 expenses of producing the medal and awarding the medal. All rules  
35 adopted by the Commission with respect to the North Carolina  
36 Services Medal shall be implemented and enforced by the Division of  
37 Veterans' Affairs; and
- 38 (5) To advise the Governor on any matter the Governor may refer to it.

39 **~~"§ 143B members; selection; quorum; compensation.~~**

40 The Veterans' Affairs Commission of the ~~Department of Administration—Office of the~~  
41 Governor shall consist of one voting member from each congressional district, all of  
42 whom shall be veterans, appointed by the Governor for four-year terms. In making these  
43 appointments, the Governor shall insure that both major political parties will be  
44 continuously represented on the Veterans' Affairs Commission.

1 The initial members of the Commission shall be the appointed members of the  
2 current Veterans' Affairs Commission who shall serve for the remainder of their current  
3 terms and six additional members appointed by the Governor for terms expiring June  
4 30, 1981. Thereafter, all members shall be appointed for terms of four years. Any  
5 appointment to fill a vacancy on the Commission created by the resignation, dismissal,  
6 death or disability of a member shall be for the balance of the unexpired term. The  
7 Governor shall have the power to remove any member of the Commission in  
8 accordance with provisions of G.S. 143B-13.

9 In the event that more than 11 congressional districts are established in the State, the  
10 Governor shall on July 1 following the establishment of such additional congressional  
11 districts appoint a member of the Commission from that congressional district. If on  
12 July 1, 1977, or at any time thereafter due to congressional redistricting, two or more  
13 members of the Veterans' Affairs Commission shall reside in the same congressional  
14 district then such members shall continue to serve as members of the Commission for a  
15 period equal to the remainder of their current terms on the Commission provided that  
16 upon the expiration of said term or terms the Governor shall fill such vacancy or  
17 vacancies in such a manner as to insure that as expeditiously as possible there is one  
18 member of the Veterans' Affairs Commission who is a resident of each congressional  
19 district in the State.

20 The Governor shall designate from the membership of the Commission a chairman  
21 and vice-chairman of the Commission who shall serve at the pleasure of the Governor.  
22 ~~The Secretary of the Department of Administration or his designee shall serve as secretary of~~  
23 ~~the Commission.~~

24 Members of the Commission shall receive per diem and necessary travel and  
25 subsistence expenses in accordance with provisions of G.S. 138-5.

26 A majority of the Commission shall constitute a quorum for the transaction of  
27 business.

28 The Veterans' Affairs Commission shall meet at least twice a year and may hold  
29 special meetings at any time or place within the State at the call of the chairman, at the  
30 call of the ~~Secretary of the Department of Administration~~ Governor or upon the written  
31 request of at least six members.

32 All clerical and other services required by the Commission shall be provided by the  
33 ~~Secretary of the Department of Administration.~~ Office of the Governor.

34 ~~"§ 143Bâ~~**Committee – members; compensation.**

35 The department commander or official head of each veterans' organization which  
36 has been chartered by an act of the United States Congress and which is legally  
37 constituted and operating in this State pursuant to said charter shall constitute an  
38 Advisory Committee to the Veterans' Affairs Commission. Members of the Veterans'  
39 Affairs Commission Advisory Committee shall receive per diem and necessary travel  
40 and subsistence expenses in accordance with the provisions of G.S. 138-5."

41 (j) Part 14A of Article 9 of Chapter 143B of the General Statutes, consisting  
42 of G.S. 143B-403.1 and G.S. 143B-403.2, is recodified and reads as rewritten:

43 **"PART 14A.**

1                   **"GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH**  
2   **DISABILITIES.**

3    "~~§ 143B~~**Persons with Disabilities – creation; powers and duties.**

4       There is hereby created the Governor's Advocacy Council for Persons with  
5    Disabilities of the ~~Department of Administration.~~ Office of the Governor. The Council  
6    shall have the following functions and duties:

7                   (1)     To provide for a statewide protection and advocacy program in  
8                             accordance with the Developmental Disabilities Assistance and Bill  
9                             of Rights Act, 42 U.S.C. § 6000, **et seq.**, and Public Law 99-319,  
10                            as amended, the Protection and Advocacy for the Mentally Ill Act  
11                            of 1988. In accordance with this Act, the Council shall, among  
12                            other things, investigate complaints made by or on behalf of  
13                            incompetent developmentally or mentally disabled persons who  
14                            reside in facilities for the developmentally or mentally disabled  
15                            who have no legal guardian or whose guardian is the State or a  
16                            State designee. Where such a complaint is made to the Council, the  
17                            Council shall have access to the individual who is the subject of the  
18                            complaint, and to the records of such individual; provided that an  
19                            allegedly incompetent client who has no guardian who, in the  
20                            opinion of the facility director, is competent shall have the  
21                            opportunity prior to disclosure to deny access to his individual  
22                            records by making a specific objection to disclosure to the Council.  
23                            The Council shall keep client information confidential in  
24                            accordance with 42 U.S.C. § 6000 and implementing rules and  
25                            regulations, including 45 C.F.R. Part 1386. The Council's authority  
26                            under this subdivision shall override any contrary provisions of  
27                            State law and shall apply as long as the Council is designated by  
28                            the Governor as the Protection and Advocacy Agency under 42  
29                            U.S.C. § 6000.

30                   (2)     To pursue legal, administrative, or other appropriate remedies to  
31                             insure the protection of the rights of all developmentally, mentally,  
32                             physically, emotionally and otherwise disabled persons who are  
33                             receiving treatment, services, or habilitation from any State, local,  
34                             or area program;

35                   (3)     To review and recommend changes in all laws, rules, regulations,  
36                             programs and policies of this State or any agency or subdivision  
37                             thereof to insure the rights of the developmentally, mentally,  
38                             physically, emotionally and otherwise disabled persons are  
39                             safeguarded;

40                   (4)     To investigate complaints concerning the violation of the rights of  
41                             the developmentally, mentally, physically, emotionally and  
42                             otherwise disabled persons and to take appropriate action;

- 1 (5) To contract with public agencies or private nonprofit corporations  
2 to fulfill any of the functions and duties provided for in  
3 subdivisions (2) and (6) and government funded programs;
- 4 (6) To aid and assist local advocacy program and the advocacy  
5 programs in mental retardation centers, psychiatric hospitals,  
6 training schools, and alcoholic rehabilitation centers;
- 7 (7) To perform such other functions as are necessary to protect the  
8 rights of the developmentally, mentally, physically, emotionally  
9 and otherwise disabled or as may be assigned by the ~~Secretary of~~  
10 ~~Administration; Office of the Governor;~~
- 11 (8) To advise and assist the ~~Department of Administration; Office of the~~  
12 ~~Governor~~ on the continuing program to promote the employment of  
13 the physically, mentally, emotionally, and otherwise handicapped  
14 citizens of North Carolina by creating statewide interest in the  
15 rehabilitation and employment of the handicapped, and by  
16 obtaining and maintaining cooperation with all public and private  
17 groups and individuals in this field;
- 18 (9) To work in close cooperation with the President's Committee on  
19 the Employment of People with Disabilities to carry out more  
20 effectively the purpose of Article 29A of Chapter 143 of the  
21 General Statutes, and with State and federal agencies having  
22 responsibilities for employment and rehabilitation of the  
23 handicapped;
- 24 (10) To promote and encourage the holding of appropriate ceremonies  
25 throughout the State during the 'National Disability Employment  
26 Awareness Month,' the purpose of which ceremony shall be to  
27 enlist public support for interest in the employment of the  
28 developmentally, mentally, physically, emotionally and otherwise  
29 disabled; ~~and~~
- 30 (10a) To initiate public awareness projects and to make  
31 recommendations to the Governor concerning broad policies  
32 pertaining to rehabilitation for disabled persons; ~~and~~
- 33 (11) The Council shall advise ~~the Secretary of Administration; Governor~~  
34 upon any matter ~~the Secretary may refer~~ referred to it.

35 **"§ 143BâPersons with Disabilities – members; selection; quorum; compensation.**

36 (a) The Governor's Advocacy Council for Persons with Disabilities of the  
37 ~~Department of Administration; Office of the Governor~~ shall consist of 21 members,  
38 appointed as follows:

- 39 (1) Seven members appointed by the Governor;
- 40 (2) Seven members appointed by the General Assembly upon the  
41 recommendation of the President of the Senate;
- 42 (3) Seven members appointed by the General Assembly upon the  
43 recommendation of the Speaker of the House of Representatives.



1 (b) Of the members appointed to the Council, at least 12 shall be disabled  
2 persons or family members of disabled persons, with representation as follows:

3 (1) One representative of persons associated with substance abuse, one  
4 representative of persons with sensory impairment, one  
5 representative of persons with physical disabilities, one person who  
6 shall serve as Chair of the Protection and Advocacy for the  
7 Mentally Ill Advisory Committee of the Governor's Advocacy  
8 Council for Persons with Disabilities, to be appointed by the  
9 Governor;

10 (2) One representative of persons with mental retardation, one  
11 representative of persons with developmental disabilities, one  
12 representative of persons with mental illness and one representative  
13 of persons with sensory impairment, to be appointed upon  
14 recommendation of the President of the Senate; and

15 (3) One representative of persons with mental retardation, one  
16 representative of persons with developmental disabilities, one  
17 representative of persons with mental illness, and one  
18 representative of persons with physical disabilities, to be appointed  
19 upon recommendation of the Speaker of the House of  
20 Representatives.

21 Appointments to the Council under the provisions of this subsection shall be made  
22 after consultation with and consideration of recommendations from statewide advocacy  
23 and membership organizations associated with persons covered by the federal  
24 Developmental Disabilities Assistance and Bill of Rights and the Protection and  
25 Advocacy for Mentally Ill Individuals Act.

26 (c) Members appointed to fit the representative categories shall be initially  
27 appointed as terms expire and as vacancies occur, until all categories are filled.  
28 Vacancies in appointments made by the General Assembly shall be filled in accordance  
29 with G.S. 120-122. An administrator in any branch of State government that delivers  
30 services to persons with disabilities is not eligible for membership on the Council.

31 (d) The initial term for three of the members appointed by the Governor shall be  
32 two years. The initial term for the remaining members appointed by the Governor shall  
33 be four years. At the end of the respective terms of office of the initial members of the  
34 Council, the appointment of all members shall be for terms of four years and until their  
35 successors are appointed and qualify. Any appointment to fill a vacancy on the Council  
36 created by the resignation, dismissal, death, or disability of a member shall be filled  
37 within 60 days after the date on which the vacancy occurs and shall be for the balance  
38 of the unexpired term. The initial members appointed by the General Assembly shall  
39 serve for terms to expire June 30, 1993. Subsequently, members appointed by the  
40 General Assembly shall serve two-year terms beginning July 1, 1993, and biennially  
41 thereafter.

42 The Governor may remove any member of the Council appointed by the Governor.

43 The Governor shall designate one member of the Council to serve as chair and one  
44 member to serve as vice-chair.

1 Members of the Council shall receive per diem and necessary travel and subsistence  
2 expenses in accordance with the provisions of G.S. 138-5.

3 A majority of the Council shall constitute a quorum for the transaction of business.

4 All clerical and other services required by the Council shall be supplied by the  
5 ~~Secretary of Administration~~ Office of the Governor."

6 (k) Part 15 of Article 9 of Chapter 143B of the General Statutes, consisting  
7 of G.S. 143B-404 through G.S. 143B-411, is recodified and reads as rewritten:

8 **~~"PART 15. NORTH CAROLINA STATE COMMISSION OF INDIAN~~**  
9 **~~AFFAIRS.~~**

10 **~~"§ 143B-Indian Affairs – creation; name.~~**

11 There is hereby created and established the North Carolina State Commission of  
12 Indian Affairs. The Commission shall be administered under the direction and  
13 supervision of the ~~Department of Administration~~ Office of the Governor pursuant to G.S.  
14 143A-6(b) and (c).

15 **~~"§ 143Ba Indian Affairs – purposes for creation.~~**

16 The purposes of the Commission shall be to deal fairly and effectively with Indian  
17 affairs; to bring local, State, and federal resources into focus for the implementation or  
18 continuation of meaningful programs for Indian citizens of the State of North Carolina;  
19 to provide aid and protection for Indians as needs are demonstrated; to prevent undue  
20 hardships; to assist Indian communities in social and economic development; and to  
21 promote recognition of and the right of Indians to pursue cultural and religious  
22 traditions considered by them to be sacred and meaningful to Native Americans.

23 **~~"§ 143B-Indian Affairs – duties; use of funds.~~**

24 It shall be the duty of the Commission to study, consider, accumulate, compile,  
25 assemble and disseminate information on any aspect of Indian affairs; to investigate  
26 relief needs of Indians of North Carolina and to provide technical assistance in the  
27 preparation of plans for the alleviation of such needs; to confer with appropriate  
28 officials of local, State and federal governments and agencies of these governments, and  
29 with such congressional committees that may be concerned with Indian affairs to  
30 encourage and implement coordination of applicable resources to meet the needs of  
31 Indians in North Carolina; to cooperate with and secure the assistance of the local, State  
32 and federal governments or any agencies thereof in formulating any such programs, and  
33 to coordinate such programs with any programs regarding Indian affairs adopted or  
34 planned by the federal government to the end that the State Commission of Indian  
35 Affairs secure the full benefit of such programs; to review all proposed or pending State  
36 legislation and amendments to existing State legislation affecting Indians in North  
37 Carolina; to conduct public hearings on matters relating to Indian affairs and to  
38 subpoena any information or documents deemed necessary by the Commission; to study  
39 the existing status of recognition of all Indian groups, tribes and communities presently  
40 existing in the State of North Carolina; to establish appropriate procedures to provide  
41 for legal recognition by the State of presently unrecognized groups; to provide for  
42 official State recognition by the Commission of such groups; and to initiate procedures  
43 for their recognition by the federal government.

44 **~~"§ 143B-Indian Affairs – membership; term of office; chairman; compensation.~~**

1 (a) The State Commission of Indian Affairs shall consist of two persons  
2 appointed by the General Assembly, the Secretary of Human Resources, the Director of  
3 the State Employment Security Commission, the Secretary of Administration, the  
4 Secretary of Environment, Health, and Natural Resources, the Commissioner of Labor  
5 or their designees and 18 representatives of the Indian community. These Indian  
6 members shall be selected by tribal or community consent from the Indian groups that  
7 are recognized by the State of North Carolina and are principally geographically located  
8 as follows: the Coharie of Sampson and Harnett Counties; the Eastern Band of  
9 Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; the Lumbees of  
10 Robeson, Hoke and Scotland Counties; the Meherrin of Hertford County; the  
11 Waccamaw-Siouan from Columbus and Bladen Counties; and the Native Americans  
12 located in Cumberland, Guilford and Mecklenburg Counties. The Coharie shall have  
13 two members; the Eastern Band of Cherokees, two; the Haliwa, two; the Lumbees,  
14 three; the Meherrin, one; the Waccamaw-Siouan, two; the Cumberland County  
15 Association for Indian People, two; the Guilford Native Americans, two; the Metrolian  
16 Native Americans, two. Of the two appointments made by the General Assembly, one  
17 shall be made upon the recommendation of the Speaker, and one shall be made upon  
18 recommendation of the President of the Senate. Appointments by the General  
19 Assembly shall be made in accordance with G.S. 120-121 and vacancies shall be filled  
20 in accordance with G.S. 120-122.

21 (b) Members serving by virtue of their office within State government shall serve  
22 so long as they hold that office. Members representing Indian tribes and groups shall be  
23 elected by the tribe or group concerned and shall serve for three-year terms except that  
24 at the first election of Commission members by tribes and groups one member from  
25 each tribe or group shall be elected to a one-year term, one member from each tribe or  
26 group to a two-year term, and one member from the Lumbees to a three-year term.  
27 Thereafter, all Commission members will be elected to three-year terms. All members  
28 shall hold their offices until their successors are appointed and qualified. Vacancies  
29 occurring on the Commission shall be filled by the tribal council or governing body  
30 concerned. Any member appointed to fill a vacancy shall be appointed for the  
31 remainder of the term of the member causing the vacancy. The Governor shall appoint  
32 a chairman of the Commission from among the Indian members of the Commission,  
33 subject to ratification by the full Commission. The initial appointments by the General  
34 Assembly shall expire on June 30, 1983. Thereafter, successors shall serve for terms of  
35 two years.

36 (c) Commission members who are seated by virtue of their office within the State  
37 government shall be compensated at the rate specified in G.S. 138-6. Commission  
38 members who are members of the General Assembly shall be compensated at the rate  
39 specified in G.S. 120-3.1. Indian members of the commission shall be compensated at  
40 the rate specified in G.S. 138-5.

41 ~~§ 143B~~**Indian Affairs – meetings; quorum; proxy vote.**

42 (a) The Commission shall meet quarterly, and at any other such time that it shall  
43 deem necessary. Meetings may be called by the chairman or by a petition signed by a

1 majority of the members of the Commission. Ten days' notice shall be given in writing  
2 prior to the meeting date.

3 (b) Simple majority of the Indian members of the Commission must be present to  
4 constitute a quorum.

5 (c) Proxy vote shall not be permitted.

6 ~~"§ 143B~~**Indian Affairs – reports.**

7 The Commission shall prepare a written annual report giving an account of its  
8 proceedings, transactions, findings, and recommendations. This report shall be  
9 submitted to the Governor and the legislature. The report will become a matter of public  
10 record and will be maintained in the State Historical Archives. It may also be furnished  
11 to such other persons or agencies as the Commission may deem proper.

12 ~~"§ 143B~~**Indian Affairs – fiscal records; clerical staff.**

13 Fiscal records shall be kept by the ~~Secretary of Administration.~~Office of the  
14 Governor. The audit report will become a part of the annual report and will be submitted  
15 in accordance with the regulations governing preparation and submission of the annual  
16 report.

17 ~~"§ 143B-411. § 143A-18.68.~~ **North Carolina State Commission of Indian Affairs –**  
18 **executive director; employees.**

19 The Commission may, subject to legislative or other funds that would accrue to the  
20 Commission, employ an executive director to carry out the day-to-day responsibilities  
21 and business of the Commission. The executive director shall serve at the pleasure of  
22 the Commission. The executive director, also subject to legislative or other funds that  
23 would accrue to the Commission, may hire additional staff and consultants to assist in  
24 the discharge of his responsibilities, as determined by the Commission. The executive  
25 director shall not be a member of the Commission, and shall be of Indian descent."

26 (l) This section becomes effective July 1, 1993.

27 ~~—TRANSFER OSBM MANAGEMENT SECTION.~~

28 Sec. 3. (a) The Management and Productivity Section of the Office of State  
29 Budget and Management is transferred from the Office of State Budget and  
30 Management to the Department of Administration. This transfer shall include all  
31 elements of a Type I transfer, as defined in G.S. 143A-6.

32 (b) This section becomes effective July 1, 1993.

33 ~~—TRANSFER SIPS TO ADMIN. DEPT.~~

34 Sec. 4. (a) State Information Processing Services, described in Part 28A of  
35 Article 9 of Chapter 143B of the General Statutes, is transferred from the Office of the  
36 State Controller to the Department of Administration. This transfer shall include all  
37 elements of a Type I transfer, as defined in G.S. 143A-6.

38 (b) Part 23 of Article 9 of Chapter 143B of the General Statutes reads as  
39 rewritten:

40 "Part 23. ~~Information Technology~~Resource Management Commission.

41 **"§ 143B-426.21. Information Resource Management Commission.**

42 (a) Creation; Membership. – The Information Resource Management  
43 Commission is created in the ~~Office of the State Controller.~~Department of  
44 Administration. The Commission consists of the following members:

- 1 (1) Four members of the Council of State, appointed by the Governor.
- 2 (2) The Secretary of Administration.
- 3 (3) The State Budget Officer.
- 4 (4) Two members of the Governor's cabinet, appointed by the
- 5 Governor.
- 6 (5) One citizen of the State of North Carolina with a background in
- 7 and familiarity with information systems or telecommunications,
- 8 appointed by the General Assembly upon the recommendation of
- 9 the President Pro Tempore of the Senate in accordance with G.S.
- 10 120-121.
- 11 (6) One citizen of the State of North Carolina with a background in
- 12 and familiarity with information systems or telecommunications,
- 13 appointed by the General Assembly upon the recommendation of
- 14 the Speaker of the House of Representatives in accordance with
- 15 G.S. 120-121.
- 16 (7) The Chair of the Governor's Committee on Data Processing and
- 17 Information Systems.
- 18 (8) The Chair of the State Information Processing Services Advisory
- 19 Board.

20 Members of the Commission shall not be employed by or serve on the board of  
21 directors or other corporate governing body of any information systems, computer  
22 hardware, computer software, or telecommunications vendor of goods and services to  
23 the State of North Carolina.

24 The two initial cabinet members appointed by the Governor and the two initial  
25 citizen members appointed by the General Assembly shall each serve a term beginning  
26 September 1, 1992, and expiring on June 30, 1995. Thereafter, their successors shall be  
27 appointed for four-year terms, commencing July 1. Members of the Governor's cabinet  
28 shall be disqualified from completing a term of service of the Commission if they are no  
29 longer cabinet members.

30 The appointees by the Governor from the Council of State shall each serve a term  
31 beginning on September 1, 1992, and expiring on June 30, 1993. Thereafter, their  
32 successors shall be appointed for four-year terms, commencing July 1. Members of the  
33 Council of State shall be disqualified from completing a term of service on the  
34 Commission if they are no longer members of the Council of State.

35 Vacancies in the two legislative appointments shall be filled as provided in G.S.  
36 120-122.

37 The Commission chair shall be elected in the first meeting of each calendar year  
38 from among the appointees of the Governor from the Council of State and shall serve a  
39 term of one year. The Secretary of Administration shall be secretary to the  
40 Commission.

41 No member of the Information Resource Management Commission shall vote on an  
42 action affecting solely his or her own State agency.

43 (b) Powers and Duties. – The Commission has the following powers and duties:

- 1 (1) To develop, approve, and publish a statewide information  
2 technology strategy covering the current and following biennium  
3 that shall be updated annually and shall be submitted to the General  
4 Assembly on the first day of each regular session.
- 5 (2) To develop, approve, and sponsor statewide technology initiatives  
6 and to report on those initiatives in the annual update of the  
7 statewide information technology strategy.
- 8 (3) To review and approve biennially the information technology plans  
9 of the executive agencies, including their plans for the procurement  
10 and use of personal computers and workstations.
- 11 (4) To recommend to the Governor and the Office of State Budget and  
12 Management the relative priorities across executive agency  
13 information technology plans.
- 14 (5) To establish a quality assurance policy for all agency information  
15 technology projects, information systems training programs, and  
16 information systems documentation.
- 17 (6) To establish and enforce a quality review and expenditure review  
18 procedure for major agency information technology projects.
- 19 (7) To review and approve expenditures from appropriations made to  
20 the Office of State Budget and Management for the purpose of  
21 creating a Computer Reserve Fund.
- 22 (8) To develop and promote a policy and procedures for the fair and  
23 competitive procurement of information technology consistent with  
24 the rules of the Department of Administration and consistent with  
25 published industry standards for open systems that provide  
26 agencies with a vendor-neutral operating environment where  
27 different information technology hardware, software, and networks  
28 operate together easily and reliably.

29 (c) Meetings. – The Information Resources Management Commission shall  
30 adopt bylaws containing rules governing its meeting procedures. The Information  
31 Resources Management Commission shall meet at least monthly."

32 (c) G.S. 143B-426.39(14) is recodified as G.S. 143-341(11) and reads as  
33 rewritten:

34 "~~(14)~~ (11) Telecommunications for State Agencies. – With respect to State  
35 agencies, to exercise general coordinating authority for all  
36 telecommunications matters relating to the internal management and  
37 operations of these agencies. In discharging that responsibility the  
38 ~~State Controller~~ Secretary of Administration may in cooperation with  
39 affected State agency heads, do such of the following things as he  
40 deems necessary and advisable:

- 41 a. Provide for the establishment, management, and operation,  
42 through either State ownership or commercial leasing, of the  
43 following systems and services as they affect the internal  
44 management and operation of State agencies:

1. Central telephone systems and telephone networks;
  2. Teleprocessing systems;
  3. Teletype and facsimile services;
  4. Satellite services;
  5. Closed-circuit TV systems;
  6. Two-way radio systems;
  7. Microwave systems;
  8. Related systems based on telecommunication technologies.
- b. With the approval of the Information Technology Council, coordinate the development of cost-sharing systems for respective user agencies for their proportionate parts of the cost of maintenance and operation of the systems and services listed in item 'a.' of this subdivision.
  - c. Assist in the development of coordinated telecommunications services or systems within and among all State agencies and recommend, where appropriate, cooperative utilization of telecommunication facilities by aggregating users.
  - d. Perform traffic analysis and engineering for all telecommunications services and systems listed in item 'a.' of this subdivision.
  - e. Pursuant to G.S. 143-49, establish telecommunications specifications and designs so as to promote and support compatibility of the systems within State agencies.
  - f. Pursuant to G.S. 143-49 and G.S. 143-50, coordinate the review of requests by State agencies for the procurement of telecommunications systems or services.
  - g. Pursuant to G.S. 143-341 and Chapter 146 of the General Statutes, coordinate the review of requests by State agencies for State government property acquisition, disposition, or construction for telecommunications systems requirements.
  - h. Provide a periodic inventory of telecommunications costs, facilities, systems, and personnel within State agencies.
  - i. Promote, coordinate, and assist in the design and engineering of emergency telecommunications systems, including but not limited to the 911 emergency telephone number program, Emergency Medical Services, and other emergency telecommunications services.
  - j. Perform frequency coordination and management for State agencies and local governments, including all public safety radio service frequencies, in accordance with the rules and regulations of the Federal Communications Commission or any successor federal agency.

- 1 k. Advise all State agencies on telecommunications management  
 2 planning and related matters and provide through the State  
 3 Personnel Training Center or the State Information Processing  
 4 Services training to users within State agencies in  
 5 telecommunications technology and systems.
- 6 l. Assist and coordinate the development of policies and long-  
 7 range plans, consistent with the protection of citizens' rights to  
 8 privacy and access to information, for the acquisition and use of  
 9 telecommunications systems; and base such policies and plans  
 10 on current information about State telecommunications  
 11 activities in relation to the full range of emerging technologies.
- 12 m. Work cooperatively with the North Carolina Agency for Public  
 13 Telecommunications in furthering the purpose of this  
 14 subdivision.

15 The provisions of this subdivision shall not apply to the Criminal  
 16 Information Division of the Department of Justice or to the Judicial  
 17 Information System in the Judicial Department."

18 (d) G.S. 143B-426.39(15) is recodified as G.S. 143-341(12) and reads as  
 19 rewritten:

20 "~~(15)~~ (12) ~~Provide Telecommunications for Local Governmental Units. – To~~  
 21 ~~provide~~ cities, counties, and other local governmental units with  
 22 access to a central telecommunications system or service established  
 23 under subdivision ~~(14)~~ (11) of this section for State agencies. Access  
 24 shall be provided on the same cost basis that applies to State  
 25 agencies."

26 (e) Part 28A of Article 9 of Chapter 143B of the General Statutes reads as  
 27 rewritten:

28 **"PART 28A. STATE INFORMATION PROCESSING SERVICES.**

29 **"§ 143B-426.40. State Information Processing Services.**

30 With respect to all executive departments and agencies of State government, except  
 31 the Department of Justice and The University of North Carolina, the ~~Office of State~~  
 32 ~~Controller~~ Department of Administration shall have the following powers and duties:

- 33 (1) To establish and operate information resource centers and services to  
 34 serve two or more departments on a cost-sharing basis, if the  
 35 Information Resources Management Commission decides it is  
 36 advisable from the standpoint of efficiency and economy to establish  
 37 these centers and services;
- 38 (2) With the approval of the Information Resources Management  
 39 Commission, to charge each department for which services are  
 40 performed its proportionate part of the cost of maintaining and  
 41 operating the shared centers and services;
- 42 (3) With the approval of the Information Resources Management  
 43 Commission, to require any department served to transfer to the ~~Office~~  
 44 ~~of the State Controller~~ Department of Administration ownership,



- 1 custody, or control of information processing equipment, supplies, and  
2 positions required by the shared centers and services;
- 3 (4) With the approval of the Information Resources Management  
4 Commission, to adopt reasonable rules for the efficient and  
5 economical management and operation of the shared centers, services,  
6 and the integrated State telecommunications network;
- 7 (5) With the approval of the Information Resources Management  
8 Commission, to adopt plans, policies, procedures, and rules for the  
9 acquisition, management, and use of information technology resources  
10 in the departments affected by this subdivision to facilitate more  
11 efficient and economic use of information technology in these  
12 departments; and
- 13 (6) To develop and promote training programs to efficiently implement,  
14 use, and manage information technology resources.

15 The Department of Revenue is authorized to deviate from this subsection's  
16 requirements that departments or agencies consolidate information processing functions  
17 on equipment owned, controlled or under custody of the State Information Processing  
18 Services. All deviations from this subsection's requirements shall be reported in writing  
19 within 15 days by the Department of Revenue to the Information Resources  
20 Management Commission and shall be consistent with available funding. The  
21 Department of Revenue is authorized to adopt and shall adopt plans, policies,  
22 procedures, requirements and rules for the acquisition, management, and use of  
23 information processing equipment, information processing programs, data  
24 communications capabilities, and information systems personnel in the Department of  
25 Revenue. If the plans, policies, procedures, requirements, rules, or standards adopted by  
26 the Department of Revenue deviate from the policies, procedures, or guidelines adopted  
27 by the State Information Processing Services or the Information Resources Management  
28 Commission, those deviations shall be allowed and shall be reported in writing within  
29 15 days by the Department of Revenue to the Information Resources Management  
30 Commission. The Department of Revenue and the State Information Processing  
31 Services shall develop data communications capabilities between the two computer  
32 centers utilizing the North Carolina Integrated Network, subject to a security review by  
33 the Secretary of Revenue.

34 The Department of Revenue shall prepare a plan to allow for substantial recovery  
35 and operation of major, critical computer applications. The plan shall include the names  
36 of the computer programs, databases, and data communications capabilities, identify the  
37 maximum amount of outage that can occur prior to the initiation of the plan and  
38 resumption of operation. The plan shall be consistent with commonly accepted  
39 practices for disaster recovery in the information processing industry. The plan shall be  
40 tested as soon as practical, but not later than six months, after the establishment of the  
41 Department of Revenue information processing capability.

42 No data of a confidential nature, as defined in the General Statutes or federal law,  
43 may be entered into or processed through any cost-sharing information resource center  
44 or network established under this subdivision until safeguards for the data's security

1 satisfactory to the department head and the ~~State Controller~~ Secretary of Administration  
2 have been designed and installed and are fully operational. Nothing in this subsection  
3 may be construed to prescribe what programs to satisfy a department's objectives are to  
4 be undertaken, nor to remove from the control and administration of the departments the  
5 responsibility for program efforts, regardless whether these efforts are specifically  
6 required by statute or are administered under the general program authority and  
7 responsibility of the department. This subdivision does not affect the provisions of G.S.  
8 147-64.6, G.S. 147-64.7, or G.S. ~~143B-426.39(14)~~. 143-341(11). Notwithstanding any  
9 other provision of law, the ~~Office of the State Controller~~ Department of Administration  
10 shall provide information technology services on a cost-sharing basis to the General  
11 Assembly and its agencies as requested by the Legislative Services Commission."

12 (f) This section becomes effective July 1, 1993.

13 —TRANSFER MARINE AFFAIRS TO DEHNR.

14 Sec. 5. (a) The General Assembly makes the following findings:

- 15 (1) The Office of Marine Affairs, Department of Administration operates  
16 the State's three aquariums and advises the Secretary of Administration  
17 and the Governor on ocean policy.
- 18 (2) The Department of Administration provides most of the State's general  
19 administrative services. An internal organizational unit should be  
20 included within the Department of Administration only if the  
21 organizational unit (i) provides a service to other State agencies and  
22 does not have program responsibilities, (ii) has attributes that make  
23 central provision the most economical way to deliver first-rate  
24 management services, and (iii) has little policy implication.
- 25 (3) The Office of Marine Affairs does not provide administrative services  
26 to State agencies, but does have both program and policy  
27 responsibilities.
- 28 (4) The Department of Environment, Health, and Natural Resources  
29 operates and maintains the State's zoological park, whose functions are  
30 similar to those of the aquarium. In addition, both the Department of  
31 Environment, Health, and Natural Resources and the Office of Marine  
32 Affairs advise the Governor on environmental policy matters which  
33 can result in uncoordinated and inconsistent policy direction among  
34 State environmental programs. Only one department should be  
35 responsible for all environment-related functions.
- 36 (5) To improve efficiency, eliminate the fragmentation of the State's  
37 marine policy function, and achieve a savings for the State by  
38 eliminating unnecessary administrative structures, the aquarium  
39 function of the Office of Marine Affairs should be transferred to the  
40 Department of Environment, Health, and Natural Resources; the policy  
41 function of the Office of Marine Affairs should be eliminated, and six  
42 positions within the Office of Marine Affairs should be eliminated.

43 (b) G.S. 143B-279.3 reads as rewritten:

1 "§ 143B-279.3. Department of Environment, Health, and Natural Resources –  
2 structure.

3 (a) All functions, powers, duties, and obligations heretofore vested in the  
4 following subunits of the following departments are hereby transferred to and vested in  
5 the Department of Environment, Health, and Natural Resources by a Type I transfer, as  
6 defined in G.S. 143A-6:

7 (1) Radiation Protection Section, Division of Facility Services,  
8 Department of Human Resources.

9 (2) Division of Health Services, Department of Human Resources.

10 (3) State Center for Health Statistics, Department of Human Resources.

11 (4) Coastal Management Division, ~~Department of Natural Resources and~~  
12 ~~Community Development.~~ Department of Environment, Health, and  
13 Natural Resources.

14 (5) Environmental Management Division, ~~Department of Natural Resources~~  
15 ~~and Community Development.~~ Department of Environment, Health, and  
16 Natural Resources.

17 (6) Forest Resources Division, ~~Department of Natural Resources and~~  
18 ~~Community Development.~~ Department of Environment, Health, and  
19 Natural Resources.

20 (7) Land Resources Division, ~~Department of Natural Resources and~~  
21 ~~Community Development.~~ Department of Environment, Health, and  
22 Natural Resources.

23 (8) Marine Fisheries Division, ~~Department of Natural Resources and~~  
24 ~~Community Development.~~ Department of Environment, Health, and  
25 Natural Resources.

26 (9) Parks and Recreation Division, ~~Department of Natural Resources and~~  
27 ~~Community Development.~~ Department of Environment, Health, and  
28 Natural Resources.

29 (10) Soil and Water Conservation Division, ~~Department of Natural Resources~~  
30 ~~and Community Development.~~ Department of Environment, Health, and  
31 Natural Resources.

32 (11) Water Resources Division, ~~Department of Natural Resources and~~  
33 ~~Community Development.~~ Department of Environment, Health, and  
34 Natural Resources.

35 (12) North Carolina Zoological Park, ~~Department of Natural Resources and~~  
36 ~~Community Development.~~ Department of Environment, Health, and  
37 Natural Resources.

38 (13) Albemarle-Pamlico Study.

39 (14) Office of Marine Affairs, Department of Administration.

40 (b) All functions, powers, duties, and obligations heretofore vested in the  
41 following commissions, boards, councils, and committees of the following departments  
42 are hereby transferred to and vested in the Department of Environment, Health, and  
43 Natural Resources by a Type II transfer, as defined in G.S. 143A-6:

- 1 (1) Governor's Waste Management Board, Department of Human  
2 Resources.
- 3 (2) Radiation Protection Commission, Department of Human Resources.
- 4 (3) Commission for Health Services, Department of Human Resources.
- 5 (4) Water Treatment Facility Operators Board of Certification,  
6 Department of Human Resources.
- 7 (5) Council on Sickle Cell Syndrome, Department of Human Resources.
- 8 (6) Perinatal Health Care Programs Advisory Council, Department of  
9 Human Resources.
- 10 (7) Governor's Council on Physical Fitness and Health, Department of  
11 Human Resources.
- 12 (8) Commission of Anatomy, Department of Human Resources.
- 13 (9) Coastal Resources Commission, ~~Department of Natural Resources and~~  
14 ~~Community Development.~~ Department of Environment, Health, and  
15 Natural Resources.
- 16 (10) Environmental Management Commission, ~~Department of Natural~~  
17 ~~Resources and Community Development.~~ Department of Environment,  
18 Health, and Natural Resources.
- 19 (11) Air Quality Council, ~~Department of Natural Resources and Community~~  
20 ~~Development.~~ Department of Environment, Health, and Natural  
21 Resources.
- 22 (12) Wastewater Treatment Plant Operators Certification Commission,  
23 ~~Department of Natural Resources and Community Development.~~  
24 Department of Environment, Health, and Natural Resources.
- 25 (13) Forestry Council, ~~Department of Natural Resources and Community~~  
26 ~~Development.~~ Department of Environment, Health, and Natural  
27 Resources.
- 28 (14) North Carolina Mining Commission, ~~Department of Natural Resources~~  
29 ~~and Community Development.~~ Department of Environment, Health, and  
30 Natural Resources.
- 31 (15) Advisory Committee on Land Records, ~~Department of Natural Resources~~  
32 ~~and Community Development.~~ Department of Environment, Health, and  
33 Natural Resources.
- 34 (16) Marine Fisheries Commission, ~~Department of Natural Resources and~~  
35 ~~Community Development.~~ Department of Environment, Health, and  
36 Natural Resources.
- 37 (17) Parks and Recreation Council, ~~Department of Natural Resources and~~  
38 ~~Community Development.~~ Department of Environment, Health, and  
39 Natural Resources.
- 40 (18) Board of Trustees of the Recreation and Natural Heritage Trust Fund,  
41 ~~Department of Natural Resources and Community Development.~~  
42 Department of Environment, Health, and Natural Resources.

- 1 (19) ~~North Carolina Trails Committee, Department of Natural Resources and~~  
 2 ~~Community Development. Department of Environment, Health, and~~  
 3 ~~Natural Resources.~~
- 4 (20) ~~Sedimentation Control Commission, Department of Natural Resources~~  
 5 ~~and Community Development. Department of Environment, Health, and~~  
 6 ~~Natural Resources.~~
- 7 (21) ~~State Soil and Water Conservation Commission, Department of Natural~~  
 8 ~~Resources and Community Development. Department of Environment,~~  
 9 ~~Health, and Natural Resources.~~
- 10 (22) ~~North Carolina Zoological Park Council, Department of Natural~~  
 11 ~~Resources and Community Development. Department of Environment,~~  
 12 ~~Health, and Natural Resources.~~
- 13 (23) North Carolina Aquariums Commission, Department of  
 14 Administration.

15 (c) (1) There is hereby created a division within the environmental  
 16 area of the Department of Environment, Health, and Natural  
 17 Resources to be named the Division of Radiation Protection. All  
 18 functions, powers, duties, and obligations of the Radiation Protection  
 19 Section of the Division of Facility Services of the Department of  
 20 Human Resources are transferred in their entirety to the Radiation  
 21 Protection Division of the Department of Environment, Health, and  
 22 Natural Resources.

23 (2) There is hereby created a division within the environmental area of the  
 24 Department of Environment, Health, and Natural Resources to be  
 25 named the Division of Solid Waste Management. All functions,  
 26 powers, duties, and obligations of the Solid Waste Management  
 27 Section of the Division of Health Services of the Department of  
 28 Human Resources are transferred in their entirety to the Division of  
 29 Solid Waste Management of the Department of Environment, Health,  
 30 and Natural Resources.

31 (d) The Department of Environment, Health, and Natural Resources is vested with  
 32 all other functions, powers, duties, and obligations as are conferred by the Constitution  
 33 and laws of this State."

34 (b1) G.S. 143B-279.2 is amended by adding a new subdivision to read:

35 "(1a) To administer the State Outer Continental Shelf (OCS) Task Force and  
 36 coordinate State participation activities in the federal outer continental  
 37 shelf resource recovery programs as provided under the OCS Lands  
 38 Act Amendments of 1978 (43 USC §§ 1801 et seq.) and the OCS  
 39 Lands Act Amendments of 1986 (43 USC §§ 1331 et seq.)."

40 (c) Part 8A of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-  
 41 390.2 through G.S. 143B-390.4, is recodified as Part 5B of Article 7 of Chapter 143B of  
 42 the General Statutes, G.S. 143B-289.20 through G.S. 143B-289.22.

43 (d) G.S. 143B-390.2, as recodified as G.S. 143B-289.20 by subsection (c) of this  
 44 section, reads as rewritten:

1 **"§ 143B-289.20. Office of Marine Affairs – organization; powers and duties.**

2 (a) The Office shall be organized as prescribed by the Secretary of Administration  
3 the Department of Environment, Health, and Natural Resources and exercise the  
4 following powers and duties:

5 (1) Repealed by Session Laws 1991, c. 320, s. 3.

6 (1a) To establish and maintain the North Carolina Aquariums;

7 (1b) To administer the operations of the North Carolina Aquariums, such  
8 administrative duties to include, but not be limited to the following:

9 a. Adopt goals and objectives for the Aquariums and review and  
10 revise these goals and objectives periodically;

11 b. Review and approve requests for use of the Aquarium facilities  
12 and advise the Secretary of ~~Administration~~the Department of  
13 Environment, Health, and Natural Resources on the most  
14 appropriate use consistent with the goals and objectives of the  
15 Aquariums;

16 c. Continually review and evaluate the types of projects and  
17 programs being carried out in the Aquarium facilities and  
18 determine if the operation of the facilities is in compliance with  
19 the established goals and objectives;

20 d. Recommend to the Secretary of ~~Administration~~the Department  
21 of Environment, Health, and Natural Resources any policies  
22 and procedures needed to assure effective staff performance and  
23 proper liaison among Aquarium facilities in carrying out the  
24 overall purposes of the Aquarium programs;

25 e. Review Aquarium budget submissions to the Secretary of  
26 ~~Administration~~the Department of Environment, Health, and  
27 Natural Resources;

28 f. Recruit and recommend to the Secretary of ~~Administration~~the  
29 Department of Environment, Health, and Natural Resources  
30 candidates for the positions of directors of the North Carolina  
31 Aquariums; and

32 g. Create local advisory committees in accordance with the  
33 provisions of G.S. 143B-390.4.

34 (2) ~~Provide staff to the North Carolina Council on Ocean Affairs in~~  
35 ~~furtherance of the Council's statutory powers and duties;~~

36 (3) ~~Advise the Secretary of Administration regarding the analysis,~~  
37 ~~planning and implementation of current and future State and federal~~  
38 ~~goals, policies and programs relating to the ocean and marine~~  
39 ~~resources of North Carolina, such duties to include, but not be limited~~  
40 ~~to, giving advice regarding:~~

41 a. ~~Providing recommendations to other educational, informational~~  
42 ~~and policy-making bodies regarding marine and ocean resource~~  
43 ~~issues;~~

- 1                   b.     ~~Administering\* the State Outer Continental Shelf (OCS) Task~~  
 2                   ~~Force and coordinate State participation activities in the federal~~  
 3                   ~~outer continental shelf resource recovery programs as provided~~  
 4                   ~~under the OCS Lands Act Amendments of 1978 (43 USC §§~~  
 5                   ~~1801 et seq.) and the OCS Lands Act Amendments of 1986 (43~~  
 6                   ~~USC §§ 1331 et seq.); and~~  
 7                   e.     ~~Coordinating necessary legal or technical research to carry out~~  
 8                   ~~the duties set forth in this subdivision.~~

9                   (4)   to (6) Repealed by Session Laws 1991, c. 320, s. 3.

10                  (7)   Assume any other powers and duties assigned to it by the Secretary.

11                  (b)   The Secretary may adopt any rules and procedures necessary to implement  
 12 this section."

13                  (e)   G.S. 143B-390.4, as recodified as G.S. 143B-89.22 by subsection (c) of  
 14 this section, reads as rewritten:

15 **"§ 143B-289.22. Local advisory committees; duties; membership.**

16                  Local advisory committees created pursuant to ~~G.S. 143B-390.2(a)(1b)~~ G.S. 143B-  
 17 289.20(a)(1b) shall assist each North Carolina Aquarium in its efforts to establish  
 18 projects and programs and to assure adequate citizen-consumer input into those efforts.  
 19 Members of these committees shall be appointed by the Secretary of ~~Administration~~ the  
 20 Department of Environment, Health, and Natural Resources for three-year terms from  
 21 nominations made by the Director of the Office of Marine Affairs. Each committee  
 22 shall select one of its members to serve as chairperson. Members of the committees  
 23 shall serve without compensation for services or expenses."

24                  (f)   Part 8B of Article 9 of Chapter 143B of the General Statutes is repealed.

25                  (g)   Part 8C of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-  
 26 390.15 through G.S. 143B-390.16, is recodified as Part 28 of Article 7 of Chapter 143B  
 27 of the General Statutes, G.S. 143B-344.16 through G.S. 143B-344.17.

28                  (h)   G.S. 143B-390.16, as recodified as G.S. 143B-344.17 by subsection (g)  
 29 of this section, reads as rewritten:

30 **"§ 143B-344.17. North Carolina Aquariums Commission – organization, powers,  
 31 and duties.**

32                  (a)   The Commission shall consist of 12 members appointed as follows:

33                   (1)   Four members appointed by the Governor, including one member  
 34                   designated by the Governor to serve as chair of the Commission and  
 35                   one member appointed upon recommendation of the North Carolina  
 36                   Aquarium Society, Inc., who resides in one of the counties where the  
 37                   North Carolina Aquariums are located: Carteret, Dare, and New  
 38                   Hanover,

39                   (2)   Four members appointed by the General Assembly upon the  
 40                   recommendation of the Speaker of the House of Representatives in  
 41                   accordance with G.S. 120-121, including one member appointed upon  
 42                   the recommendation of the North Carolina Aquarium Society, Inc.,  
 43                   who resides in another of the counties where the North Carolina  
 44                   Aquariums are located: Carteret, Dare, and New Hanover,

1 (3) Four members appointed by the General Assembly upon the  
2 recommendation of the President Pro Tempore of the Senate in  
3 accordance with G.S. 120-121, including one member appointed upon  
4 the recommendation of the North Carolina Aquarium Society, Inc.,  
5 who resides in another of the counties where the North Carolina  
6 Aquariums are located: Carteret, Dare, and New Hanover.

7 (b) Commission members shall serve for terms of four years, beginning July 1,  
8 1992, and may be removed at any time by the appointing authority. If a vacancy on the  
9 Commission occurs, the appointing authority shall appoint a replacement to serve for  
10 the unexpired term.

11 (c) The Commission shall meet upon the call of the chair.

12 (d) The Secretary of ~~Administration~~ the Department of Environment, Health, and  
13 Natural Resources shall provide staff support for Commission activities and travel  
14 reimbursement for Commission members.

15 (e) The Commission may recommend a schedule of uniform fees for the North  
16 Carolina Aquariums to the Secretary of the Department of ~~Administration~~ Environment,  
17 Health, and Natural Resources who may adopt the schedule. The schedule may be  
18 revised from time to time by the same procedure.

19 (f) The North Carolina Special Aquariums Fund, hereafter 'Fund', is hereby  
20 created, and shall be a special and nonreverting fund. The Fund shall be used only for  
21 repair, maintenance, and educational exhibit construction at existing aquariums. The  
22 Fund may also be used to match private funds that are raised for these purposes.

23 (g) All entrance fee receipts shall be credited to the Fund. The Secretary of  
24 ~~Administration~~ the Department of Environment, Health, and Natural Resources may  
25 expend monies from the Fund only upon the authorization of the General Assembly."

26 (i) The Department of Environment, Health, and Natural Resources shall  
27 eliminate six positions in the Office of Marine Affairs that handle policy and  
28 administrative matters, thus saving the State approximately two hundred thousand  
29 dollars (\$200,000) annually.

30 (j) The base budget of the Department of Administration is reduced by two  
31 million two hundred seventy-nine thousand seven hundred seventy-seven dollars  
32 (\$2,279,777) due to the transfer of the aquarium function mandated by this section. The  
33 base budget of the Department of Environment, Health, and Natural Resources is  
34 increased by two million seventy-nine thousand seven hundred seventy-seven dollars  
35 (\$2,079,777).

36 (k) This section becomes effective July 1, 1993.

37 —TRANSFER INTERGOV'TAL RELATIONS.

38 Sec. 6. (a) The federal/State relations component of Intergovernmental  
39 Relations in the Department of Administration is transferred to the Governor's Office.  
40 This transfer has all the elements of a Type I transfer, as defined in G.S. 143A-6.

41 The Director of the Budget shall resolve all conflicts regarding the transfer  
42 mandated by this subsection. Position 4101-0100-0000-031 shall be eliminated and the  
43 base budget appropriation for the 1993-94 fiscal year and for the 1994-95 fiscal year



1 shall be decreased by thirty-three thousand five hundred eighteen dollars (\$33,518)  
2 because of the elimination of the position.

3 (b) The State/local relations component of Intergovernmental Relations in the  
4 Department of Administration is transferred to the Department of Commerce. This  
5 transfer has all the elements of a Type I transfer, as defined in G.S. 143A-6.

6 The Director of the Budget shall resolve all conflicts regarding the transfer  
7 mandated by this subsection. Position 4101-0000-0000-013 shall be eliminated and the  
8 base budget appropriation for the 1993-94 fiscal year and for the 1994-95 fiscal year  
9 shall be decreased by thirty-three thousand five hundred eighteen dollars (\$33,518)  
10 because of the elimination of the position.

11 (c) This section becomes effective July 1, 1993.