

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1096

Committee Substitute Favorable 5/10/89

Rules & Operation of the Senate Committee Substitute Adopted 8/11/89

Short Title: Speaker/Pro Tem Appointments.

(Public)

Sponsors:

Referred to:

April 7, 1989

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE PRESIDENT PRO TEMPORE OF THE SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives or the President Pro Tempore of the Senate; and

Whereas, the Speaker of the House of Representatives and the President Pro Tempore of the Senate have made recommendations; Now, therefore, The General Assembly of North Carolina enacts:

PART I. APPOINTMENTS OF THE SPEAKER

Section 1. Johnnie Evans of Cumberland County, Henry W. Little of Anson County and Gordon Peedin of Johnston County are appointed to the North Carolina Agricultural Finance Authority for terms to expire on June 30, 1992.

Sec. 2. Van G. Dickens of Cumberland County is appointed to the Alarm Systems Licensing Board for a term to begin on October 1, 1989, and to expire on September 30, 1992. This is the public member categorical appointment.

Sec. 3. Katherine B. Gaston of Gaston County is appointed to the Board of Trustees of the North Carolina Museum of Art for a term to expire on June 30, 1991.

Sec. 4. Henry A. Vermillion of Wake County is appointed to the Committee on Art in State Buildings for a term to expire on June 30, 1991.

1           Sec. 5. Finley Pace, Jr. of Henderson County is appointed to the State  
2 Building Commission for a term to expire on June 30, 1992. This is the categorical  
3 appointment for a licensed mechanical contractor whose primary business is or was in  
4 the installation of mechanical systems for buildings.

5           Sec. 6. Samuel H. Henning of Randolph County is appointed to the Child  
6 Day Care Commission of the Department of Human Resources for a term to expire on  
7 June 30, 1991. This appointment is the one affiliated with a nonprofit day care facility  
8 or plan. Belita Ann Whitman of Wayne County is appointed to the Child Day Care  
9 Commission of the Department of Human Resources for a term to expire on June 30,  
10 1991. This appointment is the one affiliated with a for profit day care facility or plan.

11           Sec. 7. Dr. Earl Barbour of Guilford County is appointed to the State Board  
12 of Chiropractic Examiners for a term to expire on June 30, 1991.

13           Sec. 8. Joyce Lewis Mason of Carteret County is appointed to the State  
14 Board of Cosmetic Art Examiners for a term to expire on June 30, 1992.

15           Sec. 9. Charles P. Farris, Jr. of Wilson County is appointed to the North  
16 Carolina Criminal Justice Education and Training Standards Commission for a term to  
17 expire on June 30, 1991.

18           Sec. 10. Ronald Pegram of Forsyth County is appointed to the Board of  
19 Trustees of the North Carolina Public Employees Deferred Compensation Plan for a  
20 term to expire on June 30, 1991.

21           Sec. 11. Edward Theodore Smith of Wake County is appointed to the  
22 Governor's Advocacy Council for Persons with Disabilities for a term to expire on June  
23 30, 1991.

24           Sec. 12. Lawrence Ray Zucchini of Wake County and Michael K. Barnes of  
25 Wilson County are appointed to the Environmental Management Commission for terms  
26 to expire on June 30, 1991.

27           Sec. 13. H. T. Taylor, Sr. of Robeson County is appointed to the State Fire  
28 Commission for a term to begin on October 1, 1989, and to expire on September 30,  
29 1992.

30           Sec. 14. John R. Griffin, Jr. of Durham County is appointed to the North  
31 Carolina Health Insurance Trust Commission for a term to expire June 30, 1992. This is  
32 the categorical appointment for a domestic health care insurer licensed pursuant to  
33 Chapter 57 of the General Statutes.

34           Sec. 15. Thomas L. Council of Cumberland County is appointed to the North  
35 Carolina Housing Finance Agency Board of Directors for a term to expire on June 30,  
36 1991. This is the categorical appointment for a licensed real estate broker. Karl J.  
37 Mendenhall of Mecklenburg County is appointed to the North Carolina Housing  
38 Finance Agency Board of Directors for a term to expire on June 30, 1991. This is the  
39 categorical appointment for a mortgage-servicing representative. Mark E. Tipton of  
40 Wake County and David S. Morgan of Rowan County are appointed to the North  
41 Carolina Housing Finance Agency Board of Directors for terms to expire on June 30,  
42 1991. These are the two appointments without statutory requirement for special  
43 qualifications.

1           Sec. 16. Jim R. Lowry of Polk County is appointed to the North Carolina  
2 State Commission of Indian Affairs for a term to expire on June 30, 1991.

3           Sec. 17. John T. McGee of Orange County is appointed to the Information  
4 Technology Commission for a term to begin on August 5, 1989, and to expire June 30,  
5 1993.

6           Sec. 18. Hilda A. Highfill of Wake County and Thomas E. Terrell, Jr. of  
7 Guilford County are appointed to the Board of Trustees of the Teachers' and State  
8 Employees' Comprehensive Major Medical Plan for terms expiring June 30, 1991.

9           Sec. 19. Francis Kiger of Forsyth County is appointed to the North Carolina  
10 Medical Database Commission for a term to expire on June 30, 1992. This is the  
11 categorical appointment for a nurse.

12           Sec. 20. Ben W. Aiken of Wake County and Jo Anne Davis of Dare County  
13 are appointed to the Commission for Mental Health, Developmental Disabilities and  
14 Substance Abuse Services for terms to expire on June 30, 1991.

15           Sec. 21. John Hunter of Forsyth County is appointed to the North Carolina  
16 Milk Commission for a term to expire on June 30, 1991. This is the categorical  
17 appointment for a proprietary processor position.

18           Sec. 22. V. Diane Gibbs of Nash County, Dr. Richard L. Brownell of Rowan  
19 County and Bonnie K. Ratchford Blair of Gaston County are appointed to the North  
20 Carolina Nursing Scholars Commission for terms expiring July 1, 1993.

21           Sec. 23. William Wallace Respass of Caldwell County and Lewis Sneed  
22 High of Cumberland County are appointed to the North Carolina State Ports Authority  
23 for terms to expire on June 30, 1991.

24           Sec. 24. Joel Garth Locklear of Robeson County is appointed to the Private  
25 Protective Services Board for a term to expire on June 30, 1992. James C. Purvis of  
26 Halifax County is appointed to the Private Protective Services Board for a term to  
27 expire on June 30, 1990. He will replace Bob R. Moye, who has resigned.

28           Sec. 25. Clarence E. Leatherman of Lincoln County is appointed to the  
29 Property Tax Commission for a term to expire on June 30, 1991.

30           Sec. 26. John David Walker of Robeson County is appointed to the Public  
31 Officers and Employees Liability Insurance Commission for a term to expire on June  
32 30, 1991.

33           Sec. 27. William W. Eskridge of Forsyth County is appointed to the Board of  
34 Trustees of the Teachers' and State Employees' Retirement System for a term to expire  
35 on June 30, 1991.

36           Sec. 28. Joy G. Keever of Lincoln County and Harriet S. Hopkins of Durham  
37 County are appointed to the North Carolina School of Science and Mathematics Board  
38 of Trustees for terms to expire on June 30, 1991.

39           Sec. 29. Dr. Samuel C. Powell of Alamance County is appointed to the North  
40 Carolina Board of Science and Technology for a term to expire on June 30, 1991.

41           Sec. 30. Oscar Marine of Onslow County is appointed to the North Carolina  
42 Seafood Industrial Park Authority for a term to expire on June 30, 1991.

1           Sec. 31. Paul R. "Jaybird" McCrary of Davidson County is appointed to the  
2 North Carolina Sheriffs' Education and Training Standards Commission for a term to  
3 begin on September 1, 1989, and to expire on August 31, 1991.

4           Sec. 32. Dr. Raymond E. Webster of Pitt County and Libba L. Thompson of  
5 Lincoln County are appointed to the North Carolina Center for the Advancement of  
6 Teaching Board of Trustees for terms to expire on June 30, 1993.

7           Sec. 33. James William Shelnett III of Mecklenburg County and Catherine  
8 Carstarphen of Mecklenburg County are appointed to the North Carolina Technological  
9 Development Authority for terms to expire on June 30, 1991.

10          Sec. 34. W. I. Morris of Alamance County and Ralph Burroughs of Forsyth  
11 County are appointed to the North Carolina Board of Public Telecommunications  
12 Commissioners for terms to expire on June 30, 1991.

13          Sec. 35. Rudy Anderson of Forsyth County is appointed to the Board of  
14 Trustees of the University of North Carolina Center for Public Television for a term to  
15 expire on June 30, 1991.

16          Sec. 36. Paul Allen Drechsler of Davie County is appointed to the North  
17 Carolina State Board of Therapeutic Recreation Certification for a term to expire on  
18 June 30, 1992. This is the public member categorical appointment.

19          Sec. 37. Dr. Moses A. Ray of Edgecombe County is appointed to the North  
20 Carolina Board of Transportation for a term to expire on June 30, 1991.

21          Sec. 38. Dr. Pressley R. Rankin, Jr. of Richmond County is appointed to the  
22 Governor's Waste Management Board for a term to expire on June 30, 1991.

23          Sec. 39. Ellen Reckhow of Durham County is appointed to the Watershed  
24 Protection Advisory Council for a term to expire on June 30, 1991. This is the  
25 categorical appointment for a representative of county government. Jane S. Davis of  
26 Durham County is appointed to the Watershed Protection Council for a term to expire  
27 on June 30, 1991. This is the categorical appointment for a representative of municipal  
28 government.

## 29           **PART II. APPOINTMENTS OF PRESIDENT PRO TEMPORE**

30          Sec. 39.1. Robert G. Winfree of Durham County is appointed to the  
31 Information Technology Commission for a term expiring June 30, 1993.

32          Sec. 39.2. Patsy W. Ezzell of Nash County, JoAnn B. Schoen of Cumberland  
33 County, and Catherine T. Hollowell of Wayne County are appointed to the North  
34 Carolina Nursing Scholars Commission for terms expiring July 1, 1993.

35          Sec. 39.3. Betsy Johnson of Wayne County is appointed to the Watershed  
36 Protection Advisory Council for a term expiring June 30, 1993. This is the categorical  
37 appointment as a representative of county government. Molly Fearing of Dare County  
38 is appointed to the Watershed Protection Advisory Council for a term expiring June 30,  
39 1993. This is the categorical appointment as a representative of municipal government.

40          Sec. 39.4. Raymond Keck of Buncombe County is appointed to the North  
41 Carolina Manufactured Housing Board for a term beginning October 1, 1989, and  
42 expiring September 30, 1992. This is the categorical appointment for a manufactured  
43 home supplier.

## 44           **PART III. CONFORMING CHANGES**

1           Sec. 40. G. S. 143B-181.9A(d)(3) as enacted by Chapter 457 of the 1989  
2 Session Laws is rewritten to read:

3           "(3) Three members appointed from the House of Representatives by the  
4           Speaker of the House of Representatives;"

5           Sec. 40.1. G.S. 143B-181.9A(d)(4) as enacted by Chapter 457 of the 1989  
6 Session Laws is rewritten to read:

7           "(4) Three members appointed from the Senate by the President Pro  
8           Tempore of the Senate."

9           Sec. 41. G. S. 143-4 is amended in the first paragraph by deleting the  
10 language "a chairman of the House Appropriations Committee, a chairman of the House  
11 Finance Committee, three other" and by inserting in lieu thereof the word "five" and by  
12 deleting the last sentence of the first paragraph. G. S. 143-4 is further amended in the  
13 eighth paragraph by deleting the first sentence and by deleting the word "other" in the  
14 second sentence.

15           Sec. 41.1. G.S. 53-92 reads as rewritten:

16 **"§ 53-92. Appointment of Commissioner of Banks; State Banking Commission.**

17           On or before April 1, 1983, and quadrennially thereafter, the Governor shall appoint  
18 a Commissioner of Banks subject to confirmation by the General Assembly ~~in joint~~  
19 ~~session~~ by joint resolution. The name of the Commissioner of Banks shall be submitted  
20 to the General Assembly on or before February 1, of the year in which the term of his  
21 office begins. The term of office for the Commissioner of Banks shall be four years. In  
22 case of a vacancy in the office of Commissioner of Banks for any reason prior to the  
23 expiration of his term of office, the name of his successor shall be submitted by the  
24 Governor to the General Assembly, not later than four weeks after the vacancy arises.  
25 If a vacancy arises in the office when the General Assembly is not in session, the  
26 Commissioner of Banks shall be appointed by the Governor to serve on an interim basis  
27 pending confirmation by the General Assembly.

28           The State Banking Commission, which has heretofore been created, shall consist of  
29 the State Treasurer, who shall serve as an ex officio member thereof, 12 members  
30 appointed by the Governor, and two members appointed by the General Assembly  
31 under G.S. 120-121, one of whom shall be appointed upon the recommendation of the  
32 President of the Senate and one of whom shall be appointed upon the recommendation  
33 of the Speaker of the House of Representatives. The Governor shall appoint five  
34 practical bankers and seven persons selected primarily as representatives of the  
35 borrowing public. The person appointed by the General Assembly upon the  
36 recommendation of the President of the Senate shall be a practical banker. The person  
37 appointed by the General Assembly upon the recommendation of the Speaker of the  
38 House shall be a person selected primarily as a representative of the borrowing public.  
39 The persons selected primarily as representatives of the borrowing public shall not be  
40 employees or directors of any financial institution nor shall they have any interest in any  
41 regulated financial institution other than as a result of being a depositor or borrower.  
42 Under this section, no person shall be considered to have an interest in a financial  
43 institution whose interest in any financial institution does not exceed one-half of one  
44 percent (1/2 of 1%) of the capital stock of that financial institution. These members of

1 the Commission shall be selected so as to fully represent the consumer, industrial,  
2 manufacturing, professional, business and farming interests of the State. No person shall  
3 serve on the Commission for more than two complete consecutive terms. As the terms  
4 of office of the appointive members of the Commission expire, their successors shall be  
5 appointed by the person appointing them, for terms of four years each. Any vacancy  
6 occurring in the membership of the Commission shall be filled by the appropriate  
7 appointing officer for the unexpired term, except that vacancies among members  
8 appointed by the General Assembly shall be filled in accordance with G.S. 120-122.  
9 The appointed members of the Commission shall receive as compensation for their  
10 services the same per diem and expenses as is paid to the members of the Advisory  
11 Budget Commission. This compensation shall be paid from the fees collected from the  
12 examination of banks as provided by law.

13 The Banking Commission shall meet at such time or times, and not less than once  
14 every three months, as the Commission shall, by resolution, prescribe, and the  
15 Commission may be convened in special session at the call of the Governor, or upon the  
16 request of the Commissioner of Banks. The State Treasurer shall be chairman of the  
17 said Commission.

18 No member of said Commission shall act in any matter affecting any bank in which  
19 he is financially interested, or with which he is in any manner connected. No member of  
20 said Commission shall divulge or make use of any information coming into his  
21 possession as a result of his service on such Commission, and shall not give out any  
22 information with reference to any facts coming into his possession by reason of his  
23 services on such Commission in connection with the condition of any State banking  
24 institution, unless such information shall be required of him at any hearing at which he  
25 is duly subpoenaed, or when required by order of a court of competent jurisdiction.

26 A quorum shall consist of a majority of the total membership of the Banking  
27 Commission. A majority vote of the members qualified with respect to a matter under  
28 review present at that meeting shall constitute valid action of the Banking Commission.  
29 The State Treasurer and all disqualified members who are present shall be counted to  
30 determine whether a quorum is present at a meeting.

31 The Commissioner of Banks shall act as the executive officer of the Banking  
32 Commission, but the Commission shall provide, by rules and regulations, for hearings  
33 before the Commission upon any matter or thing which may arise in connection with the  
34 banking laws of this State upon the request of any person interested therein, and review  
35 any action taken or done by the Commissioner of Banks.

36 The Banking Commission is hereby vested with full power and authority to  
37 supervise, direct and review the exercise by the Commissioner of Banks of all powers,  
38 duties, and functions now vested in or exercised by the Commissioner of Banks under  
39 the banking laws of this State; any party to a proceeding before the Banking  
40 Commission may, within 20 days after final order of said Commission and by written  
41 notice to the Commissioner of Banks, appeal to the Superior Court of Wake County for  
42 a final determination of any question of law which may be involved. The cause shall be  
43 entitled 'State of North Carolina on Relation of the Banking Commission against (here  
44 insert name of appellant).' It shall be placed on the civil issue docket of such court and

1 shall have precedence over other civil actions. In the event of an appeal the  
2 Commissioner shall certify the record to the Clerk of Superior Court of Wake County  
3 within 15 days thereafter."

4           Sec. 41.2. G.S. 62-10(a) reads as rewritten:

5       "(a) The North Carolina Utilities Commission shall consist of seven  
6 commissioners who shall be appointed by the Governor subject to confirmation by the  
7 General Assembly ~~in joint session~~ by joint resolution. The names of commissioners to be  
8 appointed by the Governor shall be submitted by the Governor to the General Assembly  
9 for confirmation by the General Assembly on or before May 1, of the year in which the  
10 terms for which the appointments are to be made are to expire. Upon failure of the  
11 Governor to submit names as herein provided, the Lieutenant Governor and Speaker of  
12 the House jointly shall submit the names of a like number of commissioners to the  
13 General Assembly on or before May 15 of the same year for confirmation by the  
14 General Assembly. Regardless of the way in which names of commissioners are  
15 submitted, confirmation of commissioners must be accomplished prior to adjournment  
16 of the then current session of the General Assembly. This subsection shall be subject to  
17 the provisions of subsection (c) of this section."

18           Sec. 41.3. G.S. 62-15(a) reads as rewritten:

19       "(a) There is established in the Commission the office of executive director,  
20 whose salary shall be the same as that fixed for members of the Commission. The  
21 executive director shall be appointed by the Governor subject to confirmation by the  
22 General Assembly ~~in joint session~~ by joint resolution. The name of the executive director  
23 appointed by the Governor shall be submitted to the General Assembly on or before  
24 May 1 of the year in which the term of his office begins. The term of office for the  
25 executive director shall be six years, and the initial term shall begin July 1, 1977. The  
26 executive director may be removed from office by the Governor in the event of his  
27 incapacity to serve; and the executive director shall be removed from office by the  
28 Governor upon the affirmative recommendation of a majority of the Commission, after  
29 consultation with the Joint Legislative Utility Review Committee of the General  
30 Assembly. In case of a vacancy in the office of executive director for any reason prior to  
31 the expiration of his term of office, the name of his successor shall be submitted by the  
32 Governor to the General Assembly, not later than four weeks after the vacancy arises. If  
33 a vacancy arises in the office when the General Assembly is not in session, the  
34 executive director shall be appointed by the Governor to serve on an interim basis  
35 pending confirmation by the General Assembly."

36           Sec. 42. Unless otherwise specified, all appointments made by this act are for  
37 terms to begin upon ratification.

38           Sec. 43. This act is effective upon ratification.