

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 240*

Short Title: Extend Sentencing Commission.

(Public)

Sponsors: Representative Bowie.

Referred to: Rules, Calendar and Operations of the House.

February 22, 1995

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SENTENCING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of Chapter 1076 of the 1989 Session Laws, as amended by Chapters 812 and 816 of the 1991 Session Laws and Chapters 253, 321, and 591 of the 1993 Session Laws, reads as rewritten:

"Sec. 8. This act is effective upon ratification, and shall expire July 1, ~~1995-1997.~~"

Sec. 2. G.S. 164-38 reads as rewritten:

"§ 164-38. Terms of members; compensation; expenses.

The terms of existing members shall expire on June 30, 1995, unless they resign or are removed. New members shall be appointed or the existing members reappointed by the appointing authorities to serve until July 1, 1997, unless they resign or are removed.

Members serving by virtue of elective or appointive office or as designees of such officeholders may serve only so long as the officeholders hold those respective offices.

Members appointed by the Speaker of the House and the President Pro Tempore of the Senate may be removed by the appointing authority without cause. Vacancies occurring before the expiration of a term shall be filled in the manner provided for the members first appointed. A member of the Commission may be removed only for disability, neglect of duty, incompetence, or malfeasance in office. Before removal, the member is entitled to a hearing. Effective with respect to members designated on or after July 1,

1 1992, a person making a designation pursuant to G.S. 164-37 may not make another
2 designation, except that the person's successor in elective or appointive office may make
3 a new designation.

4 The Commission members shall receive no salary for serving. All Commission
5 members shall receive necessary subsistence and travel expenses in accordance with the
6 provisions of G.S. 120-3.1, 138-5, and 138-6 as applicable."

7 Sec. 3. Pursuant to G.S. 164-36 and G.S. 164-43, the Commission shall make
8 a report of its recommendations, including any recommended legislation, to the 1996
9 Regular Session of the 1995 General Assembly and to the 1997 General Assembly.

10 Sec. 4. This act is effective upon ratification.