

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 756  
Commerce Committee Substitute Adopted 5/31/05  
Third Edition Engrossed 6/1/05

Short Title: Revise Building Commission Membership.

(Public)

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Sponsors:

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Referred to:

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March 22, 2005

A BILL TO BE ENTITLED

1 AN ACT TO REVISE THE MEMBERSHIP OF THE STATE BUILDING  
2 COMMISSION.  
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-135.25 reads as rewritten:

6 "**§ 143-135.25. State Building Commission – Creation; staff; membership;**  
7 **appointments; terms; vacancies; chairman; compensation.**

8 (a) A State Building Commission is created within the Department of  
9 Administration to develop procedures to direct and guide the State's capital facilities  
10 development and management program and to perform the duties created under this  
11 Article.

12 (b) The State Construction Office of the Department of Administration shall  
13 provide staff to the State Building Commission. The chairman of the Commission shall  
14 provide direction to the State Construction Office on its work for the Commission.

15 The director of the State Construction Office shall be a registered engineer or  
16 licensed architect and shall be technically qualified by educational background and  
17 professional experience in building design, construction, or facilities management. The  
18 administrative head shall be appointed by the Secretary of the Department of  
19 Administration.

20 (c) The Commission shall consist of ~~nine~~ 15 members qualified and appointed as  
21 follows:

22 (1) A licensed architect whose primary practice is or was in the design of  
23 buildings, chosen from among not more than three persons nominated  
24 by the North Carolina Chapter of the American Institute of Architects,  
25 appointed by the Governor.

26 (2) A registered engineer whose primary practice is or was in the design of  
27 engineering systems for buildings, chosen from among not more than  
28 three persons nominated by the Consulting Engineers Council and the

- 1 Professional Engineers of North Carolina, appointed by the General  
2 Assembly upon the recommendation of the President Pro Tempore of  
3 the Senate in accordance with G.S. 120-121.
- 4 (3) A licensed building contractor whose primary business is or was in the  
5 construction of buildings, or an employee of a company holding a  
6 general contractor's license, chosen from among not more than three  
7 persons nominated by the Carolinas AGC (Associated General  
8 Contractors), appointed by the General Assembly upon the  
9 recommendation of the Speaker of the House of Representatives in  
10 accordance with G.S. 120-121.
- 11 (4) A licensed electrical contractor whose primary business is or was in  
12 the installation of electrical systems for buildings, chosen from among  
13 not more than three persons nominated by the North Carolina  
14 Association of Electrical Contractors, and the Carolinas Electrical  
15 Contractors' Association, appointed by the Governor.
- 16 (5) A public member appointed by the General Assembly upon the  
17 recommendation of the President Pro Tempore of the Senate in  
18 accordance with G.S. 120-121.
- 19 (6) A licensed mechanical contractor whose primary business is or was in  
20 the installation of mechanical systems for buildings, chosen from  
21 among not more than three persons nominated by the North Carolina  
22 Association of Plumbing, Heating, Cooling Contractors, appointed by  
23 the General Assembly upon the recommendation of the Speaker of the  
24 House of Representatives in accordance with G.S. 120-121.
- 25 (7) An employee of the university system currently involved in the capital  
26 facilities development process, chosen from among not more than  
27 three persons nominated by the Board of Governors of The University  
28 of North Carolina, appointed by the Governor.
- 29 (8) A public member who is knowledgeable in the building construction  
30 or building maintenance area, appointed by the General Assembly  
31 upon the recommendation of the President Pro Tempore of the Senate  
32 in accordance with G.S. 120-121.
- 33 (9) A representative of local government, chosen from among not more  
34 than two persons nominated by the North Carolina Association of  
35 County Commissioners and two persons nominated by the North  
36 Carolina League of Municipalities, appointed by the General  
37 Assembly upon recommendation of the Speaker of the House of  
38 Representatives in accordance with G.S. 120-121.
- 39 (10) A licensed general contractor whose primary business is or was the  
40 construction of commercial or industrial buildings or facilities, or an  
41 employee of a company holding a general contractor's license whose  
42 primary business is or was the construction of commercial or industrial  
43 buildings or facilities, chosen from among not more than three persons  
44 nominated by the Associated Builders and Contractors of the

1 Carolinas, 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.

4 (11) A building contractor or subcontractor whose primary business is or  
5 was the construction of buildings and whose business is designated a  
6 minority business by the Department of Administration, or an  
7 employee of a building contractor or subcontractor whose primary  
8 business is or was the construction of buildings and whose business is  
9 designated a minority business by the Department of Administration,  
10 appointed by the Governor.

11 (12) A licensed attorney who is a member of the Construction Law Section  
12 of the North Carolina Bar Association and whose primary practice is in  
13 construction law, chosen from among not more than three persons  
14 nominated by the Construction Law Section of the North Carolina Bar  
15 Association, appointed by the General Assembly upon the  
16 recommendation of the Speaker of the House of Representatives in  
17 accordance with G.S. 120-121.

18 (13) A licensed architect whose primary practice is or was in the design of  
19 buildings or a registered engineer whose primary practice is or was in  
20 the design of engineering systems for buildings, appointed by the  
21 Governor.

22 (14) A public member appointed by the General Assembly upon the  
23 recommendation of the President Pro Tempore of the Senate in  
24 accordance with G.S. 120-121.

25 (15) A public member appointed by the General Assembly upon the  
26 recommendation of the Speaker of the House of Representatives in  
27 accordance with G.S. 120-121.

28 The members shall be appointed for staggered three-year terms: The initial  
29 appointments to the Commission shall be made within 15 days of the effective date of  
30 this act [April 14, 1987]. The initial terms of members appointed pursuant to  
31 subdivisions (1), (2), and (3) shall expire June 30, 1990; the initial terms of members  
32 appointed pursuant to (4), (5), and (6) shall expire June 30, 1989; and the initial terms of  
33 members appointed pursuant to (7), (8), and (9) shall expire June 30, 1988. The initial  
34 terms of the members appointed pursuant to subdivisions (10) and (11) of this  
35 subsection shall expire June 30, 2006. The initial terms of the members appointed  
36 pursuant to subdivisions (12) and (13) of this subsection shall expire June 30, 2007. The  
37 initial terms of the members appointed pursuant to subdivisions (14) and (15) of this  
38 subsection shall expire June 30, 2008. Members may serve no more than six  
39 consecutive years. In making new appointments or filling vacancies, the Governor shall  
40 ensure that minorities and women are represented on the Commission.

41 Vacancies in appointments made by the Governor shall be filled by the Governor for  
42 the remainder of the unexpired terms. Vacancies in appointments made by the General  
43 Assembly shall be filled in accordance with G.S. 120-122. Persons appointed to fill  
44 vacancies shall qualify in the same manner as persons appointed for full terms.

1 The chairman of the Commission shall be elected by the Commission. The Secretary  
2 of State shall serve as chairman until a chairman is elected.

3 (d) The Commission shall meet at least four times a year on or about January 15,  
4 April 15, July 15, and October 15. The Commission shall also meet upon the call of the  
5 chairman, or upon call of at least five members. The Secretary of State shall call the first  
6 meeting within 30 days of the effective date of this act; the first order of business at the  
7 first meeting shall be the election of a chairman by the Commission.

8 (e) Members of the Commission who are not State officers or employees shall  
9 receive per diem of one hundred dollars (\$100.00) a day when the Commission meets  
10 and shall be reimbursed for travel and subsistence as provided in G.S. 138-5. Members  
11 who are State officers or employees shall be reimbursed for travel and subsistence as  
12 provided in G.S. 138-6."

13 **SECTION 2.** This act is effective when it becomes law.