

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-224
SENATE BILL 1428

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE
AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO
EXPAND THE STRUCTURAL PEST CONTROL COMMITTEE.

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

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE OF THE SENATE

Section 1. (a) Correction of term. Section 5 of S.L. 1997-495 reads as rewritten:

"Section 5. Thomas J. Burgin, Jr., of Lincoln County is appointed to the Private Protective Services Board for a term expiring on June 30, 2000, and William A. Allen of Pasquotank County ~~are~~is appointed to the Private Protective Services Board for ~~terms~~a term expiring on June 30, 1999."

(b) Mack Donaldson of Guilford County is appointed to the Private Protective Services Board for a term expiring June 30, 2001.

Section 2. Guy J. Phillips of Jackson County is appointed to the Alarm Systems Licensing Board for a term expiring June 30, 2001.

Section 3. Robert L. Jones of Wake County is appointed to the State Building Commission for a term expiring June 30, 2001.

Section 4. Dr. Richard K. Davis of Catawba County is appointed to the State Board of Chiropractic Examiners for a term expiring June 30, 2001.

Section 5. Dr. Robert J. Reo of Alamance County is appointed to the Acupuncture Licensing Board for a term expiring June 30, 2001.

Section 6. Robert Frank Timberlake of Wake County is appointed to the North Carolina Agricultural Finance Authority for a term expiring June 30, 2001, Jimmy A. Harrell, Jr. of Camden County is appointed to the North Carolina Agricultural Finance Authority for a term expiring June 30, 2001, and J. D. Teachey of Duplin County is appointed to the North Carolina Agricultural Finance Authority for a term expiring June 30, 2001.

Section 7. Teresa L. Smallwood of Bertie County is appointed to the Rules Review Commission for a term expiring June 30, 2000. John Arrowood of Mecklenburg County is appointed to the Rules Review Commission for a term expiring June 30, 1999 (unexpired term of Phillip Redwine).

Section 8. Ann Ake is appointed to the North Carolina Board of Dietetics/Nutrition for a term expiring June 30, 2000, to fill the unexpired term of Lisa Eberhart.

Section 9. Susan B. Roderick of Buncombe County is appointed to the North Carolina Arboretum Board of Directors for a term expiring June 30, 2002.

Section 10. Troy Boyd of Pasquotank County and Roy Alexander of Mecklenburg County are appointed to the North Carolina Parks and Recreation Authority for terms expiring June 30, 1999. Tom Garrison, Sr. of Stanly County and Kathy Sherron of Wake County are appointed to the North Carolina Parks and Recreation Authority for terms expiring June 30, 2000.

Section 11. John P. Lilley of Washington County is appointed to the North Carolina Board for Licensing of Soil Scientists for a term expiring June 30, 2001.

Section 12. (a) Correction of term. Section 32 of S.L. 1997-495 reads as rewritten:

"Section 32. Hank Debnam of Cumberland County is appointed to the North Carolina State Board of Therapeutic Recreation Certification for a term that expires on June 30, ~~2001~~, 2000."

(b) Wayne B. Pollock of Durham County is appointed to the North Carolina State Board of Therapeutic Recreation Certification for a term that expires on June 30, 2001.

Section 13. Barbara H. Mulkey of Wake County is appointed to the North Carolina Code Officials Qualification Board for a term expiring June 30, 2002. Deborah Simpson of Cumberland County is appointed to the North Carolina Code Officials Qualification Board for a term expiring June 30, 2000, to fill the unexpired term of Kenard Knust.

Section 14. Robert B. Frantz of Wilson County is appointed to the Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring June 30, 2001.

Section 15. Correction of term. The term of Roger R. Pierce of Jackson County on the North Carolina Home Inspector Licensure Board is extended to July 1, 1999, to provide staggered terms as required by G.S. 143-151.46(b). Jeff Vaughn of Craven County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring June 30, 2002.

Section 16. Rick Gilstrap of Halifax County is appointed to the North Carolina Center for Nursing Board of Directors for a term expiring June 30, 2001.

Section 17. Arthur H. Keeney, III of Hyde County is appointed to the State Banking Commission for the remainder of a term expiring March 31, 1999.

Section 18. Laura Devan of Cumberland County is appointed to the Rules Review Commission for a term expiring June 30, 1999.

Section 19. (a) G.S. 106-65.23 reads as rewritten:

"§ 106-65.23. Structural Pest Control Division of Department of Agriculture and Consumer Services recreated; Director; Structural Pest Control Committee created; appointment; terms; quorum.

There is recreated, within the North Carolina Department of Agriculture and Consumer Services, a Division to be known as the Structural Pest Control Division. The Commissioner of Agriculture may appoint a Director of the Division whose duties and authority shall be determined by the Commissioner. The Director shall act as secretary to the Structural Pest Control Committee created in this section.

There is hereby created a Structural Pest Control Committee to be composed of the following members. The Commissioner shall appoint one member of the Committee who is not in the structural pest control business for a four-year term. The Commissioner of Agriculture shall designate an employee of the Department of Agriculture and Consumer Services to serve on the Committee at the pleasure of the Commissioner. The dean of the School of Agriculture of North Carolina State University at Raleigh shall appoint one member of the Committee who shall serve for one term of two years and who shall be a member of the entomology faculty of the University. The vacancy occurring on the Committee by the expired term of the member from the entomology faculty of the University shall be filled by the dean of the School of Agriculture of North Carolina State University at Raleigh who shall designate any person of the dean's choice from the entomology faculty of the University to serve on the Committee at the pleasure of the dean. The Secretary of Health and Human Services shall appoint one member of the Committee who shall be an epidemiologist and who shall serve at the pleasure of the Secretary. The Governor shall appoint two members of the Committee who are actively engaged in the pest control industry, who are licensed in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and who are residents of the State of North Carolina but not affiliates of the same company.

One member of the Committee shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and one member of the Committee shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. Vacancies in such appointments shall be filled in accordance with G.S. 120-122.

The initial Committee members from the pest control industry shall be appointed as follows: one for a two-year term and one for a three-year term. The Governor shall appoint one member of the Committee who is a public member and who is unaffiliated with the structural pest control industry, the pesticide industry, the Department of Agriculture and Consumer Services, the Department of Health and Human Services and the School of Agriculture at North Carolina State University at Raleigh. The initial public member shall be appointed for a term of two years, commencing July 1, 1991. After the initial appointments by the Governor, all ensuing appointments by the Governor shall be for terms of four years. Any vacancy occurring on the Committee by reason of death, resignation, or otherwise shall be filled by the Governor or the Commissioner of Agriculture, as the case may be, for the unexpired term of the member whose seat is vacant.

The Committee shall make final decisions under this Article concerning licenses, certified applicator cards, and identification cards. The Committee shall report annually to the Board of Agriculture the action taken in the Committee's final decisions and the financial status of the Structural Pest Control Division.

The Director shall be responsible for and answerable to the Commissioner of Agriculture as to the operation and conduct of the Structural Pest Control Division.

Each member of the Committee who is not an employee of the State shall receive as compensation for services per diem and necessary travel expenses and registration fees in accordance with the provisions as outlined for members of occupational licensing boards and currently provided for in G.S. 93B-5. Such per diem and necessary travel expenses and registration fees shall apply to the same effect that G.S. 93B-5 might hereafter be amended.

~~Four~~ Five members of the Committee shall constitute a quorum but no action at any meeting of the Committee shall be taken without four votes in accord. The chairman shall be entitled to vote at all times.

The Committee shall meet at such times and such places in North Carolina as the chairman shall direct; provided, however, that four members of the Committee may call a special meeting of the Committee on five days' notice to the other members thereof.

Except as otherwise provided herein, all members of the Committee shall be appointed or designated, as the case may be, prior to and shall commence their respective terms on July 1, 1967.

At the first meeting of the Committee they shall elect a chairman who shall serve as such at the pleasure of the Committee."

(b) The two additional members authorized by subsection (a) of this section shall be appointed for initial terms to expire June 30, 2002.

(c) G.S. 120-123 is amended by adding a new subdivision to read:

"(31a) The North Carolina Structural Pest Control Committee, as established by G.S. 106-65.23."

(d) William A. Tesh of Guilford County is appointed to the North Carolina Structural Pest Control Committee on the recommendation of the President Pro Tempore of the Senate for a term expiring June 30, 2002.

Section 20. Ralph S. Mobley of Martin County is appointed to the Northeastern North Carolina Regional Economic Development Commission for a term expiring June 30, 1999 (unexpired term of Mary Lilley).

Section 21. James Vann of Wake County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring June 30, 2001.

Section 22. Vernon James of Pasquotank County is appointed to the North Carolina Low-Level Radioactive Waste Management Authority for a term expiring on June 30, 2002.

Section 23. Diana Jones Wilson of Chowan County and Debi Mull Harrill of Cleveland County are appointed to the Child Care Commission for terms expiring June 30, 2000.

Section 24. Troy Brickey of Forsyth County (supplier) and J. P. Cauley of Lenoir County (set-up contractor) are appointed to the North Carolina Manufactured Housing Board for terms expiring September 30, 2001.

Section 25. Carolyn Dust of Durham County and George Kerns of Mecklenburg County are appointed to the Governor's Advocacy Council for Persons with Disabilities to fill the remainder of terms expiring June 30, 1999.

PART II. SPEAKER OF THE HOUSE OF REPRESENTATIVES

Section 26. Jack Welborn of Wilkes County, Paul Smith of Rowan County, and James Gary Hyatt of Mitchell County are appointed to the North Carolina Agricultural Finance Authority for terms expiring June 30, 2001.

Section 27. Phillip D. Matthews of Wake County is appointed to the Alarm Systems Licensing Board (public member) for a term expiring June 30, 2001.

Section 28. Morris L. McGough of Buncombe County is appointed to the North Carolina Arboretum Board of Directors for a term expiring June 30, 2002.

Section 29. Susan Hayes of Randolph County is appointed to the North Carolina Board of Dietetics and Nutrition to fill the unexpired term of Deborah Rosenquist, which expires June 30, 2000.

Section 30. Kermit Williamson of Sampson County and Lee Stevens, Jr., of Robeson County are appointed to the Southeastern North Carolina Farmers Market Commission for terms expiring June 30, 2002.

Section 31. Benny E. Scarbro of Yadkin County is appointed to the State Fire and Rescue Commission for a term expiring June 30, 2001.

Section 32. Michael W. Haley of Guilford County and James R. Trotter of Wake County are appointed to the First Flight Centennial Commission for terms expiring June 30, 2000.

Section 33. Cliff Gentry of Wake County (insurance representative) is appointed to the North Carolina Manufactured Housing Board to fill the unexpired term of Bob Doepke, which expires September 30, 2000. Judy Ward of Alamance County (finance representative) is appointed to the North Carolina Manufactured Housing Board to fill the unexpired term of Don Fuquay, which expires September 30, 2000.

Section 34. Michael Holden of Moore County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring June 30, 2000.

Section 35. Barbara McCullough of Moore County is appointed to the board of directors of the North Carolina Center for Nursing for a term expiring June 30, 2001.

Section 36. Dr. G. Robert Horton of Moore County and Walt Israel of Gaston County are appointed to the North Carolina Parks and Recreation Authority for terms expiring June 30, 2000. Drane McCall of Forsyth County and Glenn Pope of Sampson County are appointed to the North Carolina Parks and Recreation Authority for terms expiring June 30, 1999.

Section 37. Russell Williams of Rowan County is appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors for a term expiring September 30, 2002.

Section 38. Patrick Joyce of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring June 30, 2000.

Section 39. Gregg Scott of Forsyth County is appointed to the Private Protective Services Board for a term expiring June 30, 2001.

Section 40. Steven Stadelman of Franklin County (licensed soil scientist) is appointed to the Soil Scientists Licensing Board for a term expiring June 30, 2001.

Section 41. Dane Mastin of Wilkes County (sheriff position), David Keever of Mecklenburg County (CMRS provider), Frank Thomason of Rowan County (NC Chapter of Association of Public Safety Communications Officials), Pamela M. Tope of Wake County (CMRS provider), and Mike Watson of Wake County (CMRS provider) are appointed to the Wireless 911 Board for terms expiring June 30, 2002.

Section 42. Unless otherwise specified, all appointments made by this act are for terms to begin when this act becomes law.

Section 43. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of October, 1998. Approved 4:25 p.m. this 5th day of November, 1998