

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**SENATE DRS75193-LT-43 (3/9)**

Short Title:   Revise Building Commission Membership. (Public)

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Sponsors:    Senator Nesbitt.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE STATE BUILDING  
COMMISSION.

The General Assembly of North Carolina enacts:

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

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

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

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

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

(c) The Commission shall consist of ~~nine~~ 12 members qualified and appointed as follows:

- (1) A licensed architect whose primary practice is or was in the design of buildings, chosen from among not more than three persons nominated by the North Carolina Chapter of the American Institute of Architects, appointed by the Governor.
- (2) A registered engineer whose primary practice is or was in the design of engineering systems for buildings, chosen from among not more than

1 three persons nominated by the Consulting Engineers Council and the  
2 Professional Engineers of North Carolina, appointed by the General  
3 Assembly upon the recommendation of the President Pro Tempore of  
4 the Senate in accordance with G.S. 120-121.

5 (3) A licensed building contractor whose primary business is or was in the  
6 construction of buildings, or an employee of a company holding a  
7 general contractor's license, chosen from among not more than three  
8 persons nominated by the Carolinas AGC (Associated General  
9 Contractors), appointed by the General Assembly upon the  
10 recommendation of the Speaker of the House of Representatives in  
11 accordance with G.S. 120-121.

12 (4) A licensed electrical contractor whose primary business is or was in  
13 the installation of electrical systems for buildings, chosen from among  
14 not more than three persons nominated by the North Carolina  
15 Association of Electrical Contractors, and the Carolinas Electrical  
16 Contractors' Association, appointed by the Governor.

17 (5) A public member appointed by the General Assembly upon the  
18 recommendation of the President Pro Tempore of the Senate in  
19 accordance with G.S. 120-121.

20 (6) A licensed mechanical contractor whose primary business is or was in  
21 the installation of mechanical systems for buildings, chosen from  
22 among not more than three persons nominated by the North Carolina  
23 Association of Plumbing, Heating, Cooling Contractors, appointed by  
24 the General Assembly upon the recommendation of the Speaker of the  
25 House of Representatives in accordance with G.S. 120-121.

26 (7) An employee of the university system currently involved in the capital  
27 facilities development process, chosen from among not more than  
28 three persons nominated by the Board of Governors of The University  
29 of North Carolina, appointed by the Governor.

30 (8) A public member who is knowledgeable in the building construction  
31 or building maintenance area, appointed by the General Assembly  
32 upon the recommendation of the President Pro Tempore of the Senate  
33 in accordance with G.S. 120-121.

34 (9) A representative of local government, chosen from among not more  
35 than two persons nominated by the North Carolina Association of  
36 County Commissioners and two persons nominated by the North  
37 Carolina League of Municipalities, appointed by the General  
38 Assembly upon recommendation of the Speaker of the House of  
39 Representatives in accordance with G.S. 120-121.

40 (10) A building contractor or subcontractor whose primary business is or  
41 was the construction of commercial or industrial buildings or facilities,  
42 or an employee of a building contractor or subcontractor whose  
43 primary business is or was the construction of commercial or industrial  
44 buildings or facilities, chosen from among not more than three persons

1           nominated by the Associated Builders and Contractors of the  
2           Carolinas, appointed by the General Assembly upon the  
3           recommendation of the President Pro Tempore of the Senate in  
4           accordance with G.S. 120-121.

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

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

19           The members shall be appointed for staggered three-year terms: The initial  
20           appointments to the Commission shall be made within 15 days of the effective date of  
21           this act [April 14, 1987]. The initial terms of members appointed pursuant to  
22           subdivisions (1), (2), and (3) shall expire June 30, 1990; the initial terms of members  
23           appointed pursuant to (4), (5), and (6) shall expire June 30, 1989; and the initial terms of  
24           members appointed pursuant to (7), (8), and (9) shall expire June 30, 1988. The initial  
25           term of the member appointed pursuant to subdivision (10) of this subsection shall  
26           expire June 30, 2006. The initial term of the member appointed pursuant to subdivision  
27           (11) of this subsection shall expire June 30, 2007. The initial term of the member  
28           appointed pursuant to subdivision (12) of this subsection shall expire June 30, 2008.  
29           Members may serve no more than six consecutive years. In making new appointments  
30           or filling vacancies, the Governor shall ensure that minorities and women are  
31           represented on the Commission.

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

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

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

43           (e) Members of the Commission who are not State officers or employees shall  
44           receive per diem of one hundred dollars (\$100.00) a day when the Commission meets

1 and shall be reimbursed for travel and subsistence as provided in G.S. 138-5. Members  
2 who are State officers or employees shall be reimbursed for travel and subsistence as  
3 provided in G.S. 138-6."

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