

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-260
SENATE BILL 192

AN ACT TO PROVIDE FOR THE FILING WITH THE SECRETARY OF STATE OF ALL MEMORANDA OF UNDERSTANDING AND AGREEMENTS OF A NONCOMMERCIAL NATURE BETWEEN THE STATE OF NORTH CAROLINA AND FOREIGN GOVERNMENTS, TO AUTHORIZE THE SECRETARY OF STATE TO PROVIDE INTERNATIONAL RELATIONS ASSISTANCE AND TO PUBLISH PUBLICATIONS ELECTRONICALLY, AND TO PROVIDE FOR GUBERNATORIAL OVERSIGHT OF AGREEMENTS INVOLVING THE STATE AND FOREIGN GOVERNMENTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 66 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 35.

"Agreements Between North Carolina and Foreign Governments.

"§ 66-275. Agreements between North Carolina and foreign governments to be filed.

(a) A copy of all executed memoranda of understanding and agreements of a noncommercial nature otherwise subject to disclosure under the public record laws of this State, entered into by the State of North Carolina, or any agency of the State, and a foreign government shall be filed by the State agency with the Secretary of State.

(b) Notwithstanding subsection (a) of this section, the validity or enforceability of any memoranda or agreement subject to this section shall not be affected by the failure to comply with subsection (a) of this section. Documents required to be filed with the Secretary of State under this section shall be indexed and made available to the public in accordance with Chapter 132 of the General Statutes.

(c) For purposes of this section, 'foreign government' means a foreign country's government that is recognized and accredited by the United States Department of State, and includes governmental subdivisions of that country. For purposes of this section, 'agency of the State' does not include public educational institutions with respect to their educational, research, or extension activities."

Section 2. G.S. 147-54.1 reads as rewritten:

"§ 147-54.1. Division of Publications; duties.

The Secretary of State is authorized to set up a division to be designated as the Division of Publications and to appoint a director thereof who shall be known as the

Director of Publications. This Division shall publish the North Carolina Manual, Directory, Index of Local Legislation and such other publications as may be useful to the members and committees of the General Assembly and other officials of the State and of the various counties and cities. Unless otherwise required by law, the Secretary may publish electronically information permitted or required by this section. The Secretary may sell these publications at such prices as ~~he~~the Secretary deems reasonable; the proceeds of sale shall be paid into the State treasury.

The Division shall also perform all such other duties as may be assigned by the Secretary of State."

Section 3. Article 4 of Chapter 147 is amended by adding a new section to read:

"§ 147-54.5. International relations assistance.

(a) The Secretary of State may offer direct and indirect assistance in matters relating to international relations and protocol to other governmental agencies and units of the State of North Carolina. The assistance may be provided upon request of the intended recipient when resources are available for these purposes.

(b) The Secretary of State, on behalf of the State, may accept gifts, donations, bequests, or other forms of voluntary contributions, apply for grants from public and private sources, and may expend funds received under this subsection for the purpose of promoting international relations and hosting foreign dignitaries and leaders in North Carolina. All funds and gifts received pursuant to this subsection shall be subject to audit by the Office of the State Auditor and all funds shall be expended in conformity with the Executive Budget Act and shall become the property of the State."

Section 4. G.S. 147-12 reads as rewritten:

"§ 147-12. Powers and duties of Governor.

In addition to the powers and duties prescribed by the Constitution, the Governor has the powers and duties prescribed in this and the following sections:

- (1) ~~He is to~~To supervise the official conduct of all executive and ministerial officers; and when ~~he shall deem~~the Governor deems it advisable ~~he shall to~~visit all State institutions for the purpose of inquiring into the management and needs of the same.
- (2) ~~He is to~~To see that all offices are filled, and the duties thereof performed, or in default thereof apply such remedy as the law allows, and if the remedy is imperfect, acquaint the General Assembly therewith.
- (3) ~~He is to~~To make the appointments and fill the vacancies not otherwise provided for in all departments.

In every case where the Governor is authorized by statute to make an appointment to fill a State office, ~~he~~the Governor may also appoint to fill any vacancy occurring in that office, and the person ~~he~~the Governor appoints shall serve for the unexpired term of the office and until ~~his~~the person's successor is appointed and qualified.

In every case where the Governor is authorized by statute to appoint to fill a vacancy in an office in the executive branch of State government, the Governor may appoint an acting officer to serve

- a. During the physical or mental incapacity of the regular holder of the office to discharge the duties of ~~his~~the office,
- b. During the continued absence of the regular holder of the office, or
- c. During a vacancy in an office and pending the selection and qualification, in the manner prescribed by statute, of a person to serve for the unexpired term.

An acting officer appointed in accordance with this subsection may perform any act and exercise any power which a regularly appointed holder of such office could lawfully perform and exercise. All powers granted to an acting officer under this subsection shall expire immediately

- a. Upon the termination of the incapacity of the officer in whose stead ~~he~~the person acts,
- b. Upon the return of the officer in whose stead ~~he~~the person acts, or
- c. Upon the selection and qualification, in the manner prescribed by statute, of a person to serve for the unexpired term.

The Governor may determine (after such inquiry as ~~he~~the Governor deems appropriate) that any of the officers referred to in this paragraph is physically or mentally incapable of performing the duties of ~~his~~the office. The Governor may also determine that such incapacity has terminated.

The compensation of an acting officer appointed pursuant to the provisions of this subdivision shall be fixed by the Governor. Prior to taking any action under this paragraph, the Governor may consult with the Advisory Budget Commission.

- (3a) ~~The Governor may~~ To make appointments to fill vacancies in offices subject to appointment by the General Assembly as provided in G.S. 120-122.
- (3b) Whenever a statute calls for the Governor to appoint one person from each congressional district to a board or commission, and at the time of enactment of that statute, the gubernatorial appointments do not cover all of the congressional districts, then the Governor, in filling vacancies on that board or commission as they occur, shall make appointments to satisfy that requirement, but shall not be required to remove any person from office to satisfy the requirement.
- (3c) Notwithstanding any other provision of law, whenever a statute calls for the Governor to appoint a person to an office subject to confirmation by the General Assembly, the Governor shall notify the President of the Senate and the Speaker of the House of

- Representatives by May 15 of the year in which the appointment is to be made of the name of the person ~~he~~ the Governor is submitting to the General Assembly for confirmation.
- (3d) Notwithstanding any other provision of law, whenever a statute calls for the Governor to appoint a person to an office subject to confirmation by the Senate, the Governor shall notify the President of the Senate by May 15 of the year in which the appointment is to be made of the name of the person ~~he~~ the Governor is submitting to the General Assembly for confirmation.
- (4) ~~He is~~ To be the sole official organ between the government of this State and other states, or the government of the United States.
- (5) ~~He has~~ To have the custody of the great seal of the State.
- (6) If ~~he~~ be the Governor is apprised by the affidavits of two responsible citizens of the State that there is imminent danger that the statute of this State forbidding prizefighting is about to be violated, ~~he~~ the Governor shall use, as far as necessary, the civil and military power of the State to prevent it, and to have the offenders arrested and bound to keep the peace.
- (7) **(Repealed effective July 1, 1999)** He shall annually appoint eight members to the board of directors of the North Carolina Railroad, who shall serve for one year until the next annual meeting of stockholders held for the purpose of electing or naming directors.
- (8) In carrying out ~~his~~ ex officio duties, ~~he is authorized~~ to designate ~~his~~ the Governor's personal representative to attend meetings and to act in ~~his~~ the Governor's behalf as ~~he~~ the Governor directs.
- (9) ~~He is authorized to~~ To appoint such personal staff as ~~he~~ the Governor deems necessary to carry out effectively the responsibilities of ~~his~~ the Governor's office.
- (10) ~~He is hereby empowered to~~ To contract in behalf of the State with the government of the United States to the extent allowed by the laws of North Carolina for the purpose of securing the benefits available to this State under the Federal Highway Safety Act of 1966. To that end, ~~he~~ the Governor shall coordinate the activities of any and all departments and agencies of this State and its subdivisions relating thereto.
- (11) Upon being furnished information from law-enforcement officers that public roads or highways or other public vehicular areas, as defined in G.S. 20-4.01, are being blocked by privately owned and operated vehicles or by any other means, thereby impeding the free flow of goods and merchandise in North Carolina, ~~he~~ if such information warrants, ~~is authorized~~ to declare that a state of emergency exists in the affected area, and ~~is further authorized~~ to order that the Highway Patrol and/or national guard remove the offending vehicles or other causes of the blockade from the emergency area.

- (12) To name and locate State government buildings, monuments, memorials, and improvements, as provided by G.S. 143B-373(1).
- (13) To oversee and approve all memoranda of understanding and agreements between the State and foreign governments, as defined in G.S. 66-275(c), and international organizations. Any memoranda of understanding or agreements under this subsection to be signed on behalf of the State must first be approved by the Governor after review by the Attorney General, and after execution filed with the Secretary of State in accordance with G.S. 66-275."

Section 5. Within available appropriated funds, the Secretary of State shall provide information related to the existence of memoranda of understanding and agreements between state agencies and foreign governments obtained pursuant to this act to the Joint Committee on Governmental Operations by March 31, 2000.

Section 6. This act becomes effective July 1, 1999, and applies to memoranda and agreements executed on or after that date.

In the General Assembly read three times and ratified this the 28th day of June, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 1:00 p.m. this 9th day of July, 1999