

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 174

Short Title: Confirmation.

(Public)

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Sponsors: Representatives Black, Cunningham, Redwine; Miller, Ramsey, Wilkins, Sutton, and Luebke.

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

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February 14, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR LEGISLATIVE CONFIRMATION OF CERTAIN EXECUTIVE APPOINTMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-9 reads as rewritten:

**"§ 143B-9. Appointment of officers and employees.**

(a) The head of each principal State department, except those departments headed by popularly elected officers, shall be appointed by the Governor, subject to confirmation as to those listed in G.S. 143B-6(1) through (9) by both the Senate and the House of Representatives as provided by subsection (b) of this section, and ~~serve at his pleasure.~~ shall serve at the pleasure of the Governor.

The salary of the head of each of the principal State departments and of elected officials shall be as provided by law.

The head of a principal State department shall appoint a chief deputy or chief assistant, and such chief deputy or chief assistant shall not be subject to the State Personnel Act. The salary of such chief deputy or chief assistant shall, upon the recommendation of the Governor, be set by the General Assembly. Unless otherwise provided for in the Executive Organization Act of 1973, and subject to the provisions of the Personnel Act, the head of each principal State department shall designate the

1 administrative head of each transferred agency and all employees of each division,  
2 section, or other unit of the principal State department.

3 (b) No appointee of the Governor to an office as head of a principal department  
4 listed in G.S. 143B-6(1) through (9) shall take office until that appointee shall have been  
5 confirmed by joint resolution of the General Assembly, unless the vacancy occurs after  
6 the General Assembly has adjourned sine die or for more than 10 days and has not  
7 reconvened. If the vacancy occurs after the General Assembly has adjourned sine die or  
8 for more than 10 days and has not reconvened, the Governor shall appoint a replacement  
9 who shall assume office and serve until the sixtieth calendar day following the next day  
10 either house of the General Assembly is in session. For such person to continue in office  
11 after that date, the appointment must be confirmed by joint resolution of the General  
12 Assembly. If the joint resolution confirming the appointment has not been ratified by  
13 that date, the appointee vacates the office, the person does not hold over, and the person  
14 may not be appointed to fill the vacancy during the remainder of the term of the Governor  
15 who made the appointment. This subsection does not affect the right of the Governor to  
16 appoint an acting officer under G.S. 147-12(3), but that person may not serve:

17 (1) For more than 60 days if the vacancy occurs while the General  
18 Assembly is in session;

19 (2) After the sixtieth calendar day following the next day either house of the  
20 General Assembly is in session if the vacancy occurs after the General  
21 Assembly has adjourned sine die or for more than 10 days and has not  
22 reconvened; or

23 (3) If that person is prevented from serving by the previous sentence of this  
24 subsection."

25 Sec. 2. G.S. 143B-350(c) reads as rewritten:

26 "(c) ~~The Board of Transportation shall have 20 members appointed by the Governor.~~  
27 Governor, subject as to the appointees from each of the 14 highway engineering divisions  
28 to confirmation by joint resolution of the General Assembly as provided by subsection  
29 (c1) of this section. One member shall be appointed from each of the 14 transportation  
30 engineering divisions and six members shall be appointed from the State at large. One at-  
31 large member shall be a registered voter of a political party other than the political party  
32 of the Governor. At least one at-large member shall possess a broad knowledge of public  
33 transportation matters. No more than two members provided for in this subsection shall  
34 reside in the same engineering division while serving in office. The initial members shall  
35 serve terms beginning July 1, 1977, and ending January 14, 1981, or until their successors  
36 are appointed and qualified. The succeeding terms of office shall be for a period of four  
37 years beginning January 15, 1981, and each four years thereafter. The Governor shall  
38 have the authority to remove for cause sufficient to himself, any member appointed by  
39 the Governor."

40 Sec. 3. G.S. 143B-350 is amended by adding a new subsection to read:

41 "(c1) No appointee of the Governor to membership on the Board of Transportation  
42 from one of the 14 highway engineering divisions shall take office until the appointee  
43 shall have been confirmed by joint resolution of the General Assembly, unless the

1 vacancy occurs after the General Assembly has adjourned sine die or for more than 10  
2 days and has not reconvened. If the vacancy occurs after the General Assembly has  
3 adjourned sine die or for more than 10 days and has not reconvened, the Governor shall  
4 appoint a replacement who shall assume office and serve until the sixtieth calendar day  
5 following the next day either house of the General Assembly is in session. For such  
6 person to continue in office after adjournment sine die or for more than 10 days, the  
7 appointment must be confirmed by joint resolution of the General Assembly. If the joint  
8 resolution has not been ratified by that date, the appointee vacates the office, the person  
9 does not hold over, and the person may not be reappointed to fill the vacancy during the  
10 remainder of that term of office."

11       Sec. 4. G.S. 116-31 is amended by adding a new subsection to read:

12       "(k) No appointee of the Governor to membership on the board of trustees of a  
13 constituent institution, whether the appointment is made under subsection (d) or (j) of this  
14 section, shall take office until that appointee shall have been confirmed by joint  
15 resolution of the General Assembly, unless the vacancy occurs after the General  
16 Assembly has adjourned sine die or for more than 10 days and has not reconvened. If the  
17 vacancy occurs after the General Assembly has adjourned sine die or for more than 10  
18 days and has not reconvened, the Governor shall appoint a replacement who shall assume  
19 office and serve until the sixtieth calendar day following the next day either house of the  
20 General Assembly is in session. For such person to continue in office after that date, the  
21 appointment must be confirmed by joint resolution of the General Assembly. If the joint  
22 resolution has not been ratified by that date, the appointee vacates the office, the person  
23 does not hold over, and the person may not be reappointed to fill the vacancy during the  
24 remainder of that term of office."

25       Sec. 5. This act is effective upon ratification, and applies to vacancies  
26 occurring on or after January 1, 1997, and terms of office beginning on or after January 1,  
27 1997.