

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 477
HOUSE BILL 398

AN ACT TO PROVIDE FOR SPECIFIC NOTICE OF APPOINTMENTS TO PUBLIC OFFICES.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 143 is amended by adding a new Article to read:

"ARTICLE 2.

"Notice of Appointments to Public Offices.

"§ 143-35. **Definitions.** — As used in this Article, unless the context clearly requires otherwise:

- (1) 'Appointing authority' means the Governor, Chief Justice of the Supreme Court, Lieutenant Governor, Speaker of the House, President Pro Tempore of the Senate, members of the Council of State, all heads of the executive departments of State government, the Board of Governors of The University of North Carolina, and any other person or group authorized by law to appoint to a public office.
- (2) 'Public office' means appointive membership on any State commission, council, committee, board, including occupational licensing boards as defined in G.S. 93B-1, board of trustees, including boards of constituent institutions of The University of North Carolina and boards of community colleges and technical institutes created pursuant to G. S. 115A-7, and any other State agency created by law, where the appointee is entitled to draw subsistence, per diem compensation, or travel allowances, in whole or in part from funds deposited with the State Treasurer or any other funds subject to being audited by the State Auditor, by reason of his service in the public office; provided that 'public office' does not include an office for which a regular salary is paid to the holder as an employee of the State or of one of its departments, agencies, or institutions.

"§ 143-36. **Notice and record of appointment required.** — (a) Within 60 days after acceptance of appointment by a person appointed to public office, the appointing authority shall file written notice of such appointment with the Governor, Secretary of State, the State Legislative Library, the State Library and the State Disbursing Officer. For the purposes of this section, a copy of the letter from the appointing authority or a copy of the properly executed Commission of Appointment shall be sufficient to be filed if such copy contains the information required in subsection (b) of this section.

(b) The notice required by this Article shall state the name and office of the appointing authority, the public office to which the appointment is made, the name and address of the appointee, a citation of the law pursuant to which the appointment is made, the date of the appointment, and the term of the appointment.

"§ 143-37. **Notice of existing appointments.** — Within 60 days after the effective date of this Article, every appointing authority shall file notices of all existing appointments to public offices in accordance with G.S. 143-36.

"§ 143-38. Subsistence, per diem compensation, and travel allowances conditioned on filing of notice. — No person who has been appointed to any public office and has accepted that appointment shall be entitled to receive subsistence, per diem compensation, or travel allowances unless and until compliance is made with the provisions of G.S. 143-36."

Sec. 2. G.S. 147-54.2 is hereby repealed.

Sec. 3. This act shall become effective on July 1, 1979.

In the General Assembly read three times and ratified, this the 30th day of April, 1979.