

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 439

Committee Substitute Favorable 5/11/93

Senate Rules and Operation of the Senate Committee Substitute Adopted 7/24/93

Short Title: Speaker's Appointments.

(Public)

Sponsors:

Referred to:

March 18, 1993

A BILL TO BE ENTITLED

1 AN ACT TO APPOINT PERSONS TO PUBLIC OFFICE UPON THE
2 RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES.
4

5 Whereas, G.S. 120-121 authorizes the General Assembly to make certain
6 appointments upon the recommendation of the Speaker of the House of Representatives;
7 and

8 Whereas, the Speaker of the House of Representatives has made
9 recommendations; Now, therefore,

10 The General Assembly of North Carolina enacts:

11 Section 1. Charles P. Farris of Wilson County is appointed to the North
12 Carolina Criminal Justice Education and Training Standards Commission for a two-year
13 term to expire on June 30, 1995, pursuant to G.S. 17C-3.

14 Sec. 2. Joseph Stevenson of Brunswick County is appointed to the North
15 Carolina State Ports Authority for a term to expire on June 30, 1995.

16 Sec. 3. Charles D. Watts of Durham County and Lois Artis of Durham
17 County are appointed to the North Carolina School of Science and Mathematics Board
18 of Trustees, each for a term to expire on June 30, 1995.

19 Sec. 4. Jim R. Lowery of Robeson County is appointed to the State
20 Commission on Indian Affairs for a term to expire on June 30, 1995.

21 Sec. 5. Marydell R. Bright of Alamance County is appointed to the North
22 Carolina Teaching Fellows Commission for a term to expire on June 30, 1997.

1 Sec. 6. Susan L. Allen of Wake County is appointed to the North Carolina
2 Wildlife Resources Commission for a term to expire on April 23, 1995.

3 Sec. 7. George C. Cunningham of Wilkes County is appointed to the
4 Property Tax Commission for a term to expire on June 30, 1995.

5 Sec. 8. Robert Burford of Wake County is appointed to the Board of
6 Transportation for a term to expire on June 30, 1995.

7 Sec. 9. Chrystle Swain of Durham County and Bradley Thompson of Wake
8 County are appointed to the Board of the North Carolina Agency for Public
9 Telecommunications, each for a term to expire on June 30, 1995.

10 Sec. 10. Dr. William T. Fletcher of Durham County is appointed to the North
11 Carolina Board of Science and Technology for a term to expire on June 30, 1995.

12 Sec. 11. Thomas W. Bradshaw of Wake County and Gordon S. Myers of
13 Buncombe County are appointed to the Board of Directors of the North Carolina Air
14 Cargo Airport Authority for terms expiring June 30, 1995. Roger A. McLean of
15 Pasquotank County is appointed to the Board of Directors of the North Carolina Air
16 Cargo Airport Authority for a term expiring June 30, 1997.

17 Sec. 12. Unless otherwise provided, appointments made by this act are for
18 terms commencing upon ratification.

19 Sec. 13. G.S. 120-122 reads as rewritten:

20 **"§ 120-122. Vacancies in legislative appointments.**

21 When a vacancy occurs, other than by the expiration of term, in any office subject to
22 appointment by the General Assembly upon the recommendation of the Speaker of the
23 House of Representatives, upon the recommendation of the President Pro Tempore of
24 the Senate, or upon the recommendation of the President of the Senate, and the vacancy
25 occurs either: (i) after election of the General Assembly but before convening of the
26 regular session; (ii) when the General Assembly has adjourned to a date certain, which
27 date is more than ~~40~~20 days after the date of adjournment; or (iii) after sine die
28 adjournment of the regular session, then the Governor may appoint a person to serve
29 until the expiration of the term or until the General Assembly fills the vacancy,
30 whichever occurs first. The General Assembly may fill the vacancy in accordance with
31 G.S. 120-121 during a regular or extra session. Before making an appointment, the
32 Governor shall consult the officer who recommended the original appointment to the
33 General Assembly (the Speaker of the House of Representatives, the President Pro
34 Tempore of the Senate, or the President of the Senate), and ask for a written
35 recommendation. After receiving the written recommendation, the Governor must
36 within 30 days either appoint the person recommended or inform the officer who made
37 the recommendation that he is rejecting the recommendation. Failure to act within 30
38 days as required under the provisions of the preceding sentence shall be deemed to be
39 approval of the candidate, and the candidate shall be eligible to enter the office in as full
40 and ample extent as if the Governor had executed the appointment. The Governor ~~may~~
41 shall not appoint a person other than the person so recommended. Any ~~positions~~position
42 subject to initial appointment by the 1981-General Assembly but not filled prior to sine
43 die adjournment of the 1981-Session at which the position was created or adjournment
44 to a date certain which date is more than 20 days after the date of adjournment of the

1 session at which the position was created may be filled by the Governor under this
2 section as if it were a vacancy occurring after the General Assembly had made an
3 appointment."

4 Sec. 14. This act is effective upon ratification.