

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL DRS35151-MV-16B

Short Title: Removal Power/Modify Reporting. (Public)

Sponsors: Senator Sawyer (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE REMOVAL OF INDIVIDUALS FROM BOARDS AND  
3 COMMISSIONS FOR MISFEASANCE, MALFEASANCE, AND NONFEASANCE AND  
4 TO MODIFY THE REPORTING REQUIREMENT RELATED TO  
5 GENDER-PROPORTIONATE APPOINTMENTS TO CERTAIN BOARDS AND  
6 COMMISSIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 16 of Chapter 120 is amended by adding a new section to read:

9 **"§ 120-25. Removal of legislative appointees.**

10 Any person appointed by the General Assembly upon the recommendation of the Speaker of  
11 the House of Representatives shall be removed from office by the Governor for misfeasance,  
12 malfeasance, or nonfeasance upon the written recommendation of the Speaker of the House of  
13 Representatives. Any person appointed by the General Assembly upon the recommendation of  
14 the President Pro Tempore of the Senate shall be removed from office by the Governor for  
15 misfeasance, malfeasance, or nonfeasance upon the written recommendation of the President Pro  
16 Tempore of the Senate. After receiving the written recommendation of removal, the Governor  
17 must within 30 days remove the appointee."

18 **SECTION 2.** G.S. 143-157.1 reads as rewritten:

19 **"§ 143-157.1. Reports on gender-proportionate appointments to ~~statutorily created~~**  
20 **~~decision-making regulatory certain public bodies.~~**

21 (a) Appointments. – In appointing members to public bodies set forth in subsections ~~(c)~~  
22 ~~(b)~~ and (d) of this section, the appointing authority should select, from among the most qualified  
23 persons, those persons whose appointment would promote membership on the body that  
24 accurately reflects the proportion that each gender represents in the population of the State as a  
25 whole or, in the case of a local body, in the population of the area represented by the or body, as  
26 determined pursuant to the most recent federal decennial census, unless the law regulating such  
27 appointment requires otherwise. If there are multiple appointing authorities for the body, they  
28 may consult with each other to accomplish the purposes of this section.

29 (b) ~~Reports Generally. Reports by Public Bodies. – Each appointing authority By~~  
30 September 1 of each year, every public body whose membership is composed in whole or in part  
31 of appointees selected by a State or local appointing authority described in subsection (a) shall  
32 submit a report to the Secretary of State annually which discloses the following by appointing  
33 authority:

34 (1) ~~the~~ The number of appointments made during the preceding ~~year and year.~~

35 (2) ~~the~~ The number of appointments of each gender made, expressed both in  
36 numerical terms and as a percentage of the total membership of the body.



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1 As used in this subsection, the phrase "public body" applies to any entity designated as a  
2 nonadvisory board by the State Ethics Commission under Subchapter II of Chapter 163A of the  
3 General Statutes.

4 (b1) Retention of Applications. ~~In addition, each~~ Each appointing authority shall designate  
5 a person responsible for retaining all applications for appointment, who shall ensure that  
6 information ~~describing~~ related to each applicant's gender and qualifications is available for public  
7 inspection during reasonable hours. Nothing in this section requires disclosure of an applicant's  
8 identity or of any other information made confidential by law.

9 (b2) The Secretary of State shall prescribe the form to be used to report under subsections  
10 (b) and (d) of this section ~~these appointments~~ and may accept ~~these~~ reports by electronic means.  
11 ~~Reports by appointing authorities shall be due in the Department of the Secretary of State on or~~  
12 ~~before September 1.~~ From these reports, the Secretary of State shall generate an annual composite  
13 report that shall be published by December 1. Copies of the report shall be submitted to the  
14 Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the  
15 Senate.

16 (c) ~~State Reporting.~~ ~~Each State appointing authority that makes appointments to a~~  
17 ~~statutorily created public body, however denominated, except those having only advisory~~  
18 ~~authority, shall file a report with the Secretary of State as prescribed in subsection (b) of this~~  
19 ~~section. The Secretary shall submit to the Governor, the Speaker of the House of Representatives,~~  
20 ~~and the President Pro Tempore by July 1 of each year the names of all State bodies that an~~  
21 ~~appointing authority must report on pursuant to this section.~~

22 (d) Reporting by Local Units of Government. – ~~In those cases where a county or a city is~~  
23 ~~the appointing authority,~~ By September 1 of each year and with regard to the public bodies listed  
24 in this subsection, the reporting information required by subsection (b) of this section shall be  
25 submitted on behalf of the appointing authority to the Secretary of State by the clerk of that  
26 appointing authority. Appointments to the following local, municipal, or county public bodies,  
27 or to public bodies however denominated that have the functions of the following public bodies,  
28 must be reported:

- 29 (1) City or county ABC board, or local board created pursuant to G.S. 18B-703.
- 30 (2) Adult Care Home Community Advisory Committee.
- 31 (3) Airport Authority.
- 32 (4) Community Child Protection Team or a Child Fatality Prevention Team.
- 33 (5) Civil Service Board or similarly named board established by local act.
- 34 (6) Community Relations Committee.
- 35 (7) Council of Governments.
- 36 (8) Criminal Justice Partnership Task Force.
- 37 (9) Emergency Planning Committee.
- 38 (10) Board of Equalization and Review.
- 39 (11) Local Board of Health.
- 40 (12) Hospital Authority.
- 41 (13) Housing Authority.
- 42 (14) Human Relations Commission.
- 43 (15) County Industrial Facilities and Pollution Control Financing Authority.
- 44 (16) Juvenile Crime Prevention Council.
- 45 (17) Library Board of Trustees.
- 46 ~~(18) Community College Board of Trustees.~~
- 47 (19) Economic development commission.
- 48 (20) Area mental health, developmental disabilities, and substance abuse board.
- 49 (21) Adult care home community advisory committee.
- 50 (22) Local partnership for children.
- 51 (23) Planning Board.

- 1           (24) Recreation Board.
- 2           (25) County board of social services.
- 3           (26) A public transportation authority created pursuant to Article 25 of Chapter
- 4                 160A of the General Statutes, a regional public transportation authority
- 5                 created pursuant to Article 26 of Chapter 160A of the General Statutes, or a
- 6                 regional transportation authority created pursuant to Article 27 of Chapter
- 7                 160A of the General Statutes.
- 8           (27) Local tourism development authority.
- 9           (28) Water and sewer authority.
- 10          (29) Workforce Development Board.
- 11          (30) Zoning Board of Adjustment.
- 12          (31) Planning and Zoning Board.
- 13          (32) Board of Adjustment.
- 14          (33) Historic Preservation Commission.
- 15          (34) Redevelopment Commission.
- 16          (35) City board of education (if appointive).
- 17          (36) Metropolitan Planning Organization.
- 18          (37) Rural Planning Organization."
- 19          **SECTION 3.** This act is effective when it becomes law.