



SENATE BILL 478: Removal Power/Modify Reporting.

2019-2020 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: April 17, 2019
Introduced by: Sen. Sawyer	Prepared by: Jessica Sammons*
Analysis of: First Edition	Staff Attorney

OVERVIEW: *Senate Bill 478 would provide a process to remove appointees of the General Assembly for misfeasance, malfeasance, or nonfeasance, and would modify the reporting requirement for gender-proportionate appointments to certain boards and commissions. The act would be effective when it becomes law.*

CURRENT LAW & BILL ANALYSIS:

Section 1 – Allow Removal of Appointees by the General Assembly:

Current Law – Under G.S. 120-121, in any case where the General Assembly is called upon by law to appoint a member of any board or commission, the appointment must be made by enactment of a bill. G.S. 120-122 provides the mechanism for filling vacancies in offices subject to appointment by the General Assembly, including when the General Assembly is not in session.

Section 1 would provide the following:

- Any person appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives must be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance upon the written recommendation of the Speaker of the House of Representatives.
- Any person appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate must be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance upon the written recommendation of the President Pro Tempore of the Senate.
- The Governor must remove the appointee within 30 days after receiving the written recommendation of removal.

Section 2 – Modify Reporting Requirement Related to Gender-Proportionate Appointments:

Current Law – Under G.S. 143-157.1, each State appointing authority that makes appointments to a statutorily-created public body, except those having only advisory authority, must file an annual report with the Secretary of State on gender-proportionate appointments. This report discloses the number of appointments made during the preceding year and the number of appointments of each gender made, expressed both in numerical terms and as a percentage of the total membership of the body.

The Secretary of State must submit to the Governor, the Speaker, and the President Pro Tempore by July 1 of each year the names of all State bodies on which an appointing authority must report.

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Section 2 would change who is responsible for submitting the report. Instead of having the State appointing authority submit the report, every "public body" whose membership is composed of appointees selected by a State or local appointing authority must submit the report the required in G.S. 143-157.1 to the Secretary of State by September 1 of each year. A "public body" is any entity designated as a nonadvisory board by the State Ethics Commission.

This section would also make other technical and conforming changes.

EFFECTIVE DATE: The act would be effective when it becomes law.

**Brad Krehely, counsel to Senate State and Local Government, substantially contributed to this summary.*