

Article 16.

Legislative Appointments to Boards and Commissions.

§ 120-121. Legislative appointments.

(a) In any case where the General Assembly is called upon by law to appoint a member to any board or commission, that appointment shall be made by enactment of a bill.

(b) A bill may make more than one appointment.

(c) The bill shall state the name of the person being appointed, the board or commission to which the appointment is being made, the effective date of the appointment, the date of expiration of the term, the county of residence of the appointee, and whether the appointment is made upon the recommendation of the Speaker of the House of Representatives, President Pro Tempore of the Senate, or the President of the Senate.

(d) Nothing in this section or any other statute precludes any member of the General Assembly from proposing an amendment to any bill making an appointment to a board or commission, or from introducing a bill to make an appointment to a board or commission, where an appointment by the General Assembly is authorized by law.

(e) The following applies in any case where the Speaker of the House of Representatives or the President Pro Tempore of the Senate is directed by law to make a recommendation for an appointment by the General Assembly, and the legislator is also directed to make the recommendation in consultation with or upon the recommendation of a third party:

- (1) The recommendation or consultation is discretionary and is not binding upon the legislator.
- (2) The third party must submit the recommendation or consultation at least 60 days prior to the expiration of the term or within 10 business days from the occurrence of a vacancy.
- (3) Failure by the third party to submit the recommendation or consultation to the legislator within the time periods required under this subsection shall be deemed a waiver by the third party of the opportunity.

(f) The following applies in any case where the Speaker of the House of Representatives or the President Pro Tempore of the Senate is directed by law to make a recommendation for an appointment by the General Assembly, and the legislator is also directed to make the recommendation from nominees provided by a third party:

- (1) The third party must submit the nominees at least 60 days prior to the expiration of the term or within 10 business days from the occurrence of a vacancy.
- (2) Failure by the third party to submit the nomination to the legislator within the time periods required under this subsection shall be deemed a waiver by the third party of the opportunity. (1981 (Reg. Sess., 1982), c. 1191, s. 2; 1983, c. 717, s. 111; 1985, c. 290, s. 9; 2015-286, s. 1.3(a).)

§ 120-122. Vacancies in legislative appointments.

When a vacancy occurs in any office subject to appointment by the General Assembly upon the recommendation of the Speaker of the House of Representatives, upon the recommendation of the President Pro Tempore of the Senate, or upon the recommendation of the President of the Senate, and the vacancy occurs either: (i) after election of the General Assembly but before convening of the regular session; (ii) when the General Assembly has adjourned to a date certain, which date is more than 20 days after the date of adjournment; (iii) after sine die adjournment of the regular session; or (iv) when the term of office expires and a successor has not been appointed, then the

Governor may appoint a person to serve until the expiration of the term or until the General Assembly fills the vacancy, whichever occurs first. The General Assembly may fill the vacancy in accordance with G.S. 120-121 during a regular or extra session. When a person is holding over in office after the expiration of the term, for the purpose of this section that office may be filled as if it were vacant. Before making an appointment, the Governor shall consult the officer who recommended the original appointment to the General Assembly (the Speaker of the House of Representatives, the President Pro Tempore of the Senate, or the President of the Senate), and ask for a written recommendation. After receiving the written recommendation, the Governor must within 30 days either appoint the person recommended or inform the officer who made the recommendation that he is rejecting the recommendation. Failure to act within 30 days as required under the provisions of the preceding sentence shall be deemed to be approval of the candidate, and the candidate shall be eligible to enter the office in as full and ample extent as if the Governor had executed the appointment. The Governor shall not appoint a person other than the person so recommended. Any position subject to initial appointment by the General Assembly but not filled prior to sine die adjournment of the Session at which the position was created or adjournment to a date certain which date is more than 20 days after the date of adjournment of the session at which the position was created may be filled by the Governor under this section as if it were a vacancy occurring after the General Assembly had made an appointment. (1981 (Reg. Sess., 1982), c. 1191, s. 2; 1983, c. 717, ss. 112, 113; 1985, c. 752, ss. 1, 2; 1993, c. 563, s. 13; 2004-187, s. 5; 2004-195, s. 7.)

§ 120-123. Service by members of the General Assembly on certain boards and commissions.

No member of the General Assembly may serve on any of the following boards or commissions:

- (1) The Board of Agriculture, as established by G.S. 106-2.
- (1a) Not effectuated.
- (1b) The Rules Review Commission as established by G.S. 143B-30.1.
- (2) Repealed by Session Laws 2007-484, s. 17, effective August 30, 2007.
- (3) Repealed by Session Laws 2007-323, s. 19.1(c), effective July 1, 2007.
- (3a) The State Banking Commission, as established by Article 2 of Chapter 53C of the General Statutes.
- (4) Repealed by Session Laws 2021-90, s. 2(c), effective July 22, 2021.
- (5) The Board of Transportation, as established by G.S. 143B-350.
- (6) The Board of Trustees Teachers' and State Employees' Retirement System, as established by G.S. 135-6.
- (6a) Repealed by Session Laws 1991 (Regular Session, 1992), c. 1030, s. 33.
- (7) The Coastal Resources Commission, as established by G.S. 113A-104.
- (8) The Environmental Management Commission, as established by G.S. 143B-283.
- (8a) The Genetic Engineering Review Board, as created by G.S. 106-769.
- (9) The State Fire and Rescue Commission, as established by G.S. 58-78-1.
- (10) The Public Officers and Employees Liability Insurance Commission, as established by G.S. 58-32-1.
- (11) Repealed by Session Laws 1983 (Regular Session, 1984), c. 995, s. 4.
- (12) Repealed by Session Laws 1987, c. 71, s. 4.

- (13) The North Carolina Criminal Justice Education and Training Standards Commission, as established by G.S. 17C-3.
- (14) The North Carolina Housing Finance Agency Board of Directors, as established by G.S. 122A-4.
- (15) The North Carolina Seafood Industrial Park Authority, as established by G.S. 113-315.25.
- (16) Repealed by Session Laws 1985, c. 479, s. 153(b).
- (17) The Board of Trustees of the North Carolina School of Science and Mathematics, as established by G.S. 116-233.
- (18) The North Carolina Board of Science and Technology, as established by G.S. 143B-426.30.
- (19) Repealed by Session Laws 1989, c. 500, s. 107(b).
- (20) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1024, s. 23(a).
- (21) The Board of Trustees of the University of North Carolina Center for Public Media, as established by G.S. 116-37.1.
- (22) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, as established by G.S. 143B-147.
- (23) Repealed by Session Laws 1993, c. 501, s. 12.
- (24) The North Carolina Alcoholism Research Authority, as established by G.S. 122C-431.
- (25) Repealed by Session Laws 2002-126, s. 6.6(b), effective November 12, 2002.
- (25a) The North Carolina Global TransPark Authority as established under G.S. 63A-3.
- (26) The North Carolina State Ports Authority, as established by G.S. 136-260.
- (27) The Property Tax Commission, as established by G.S. 105-288.
- (28) The Social Services Commission, as established by G.S. 143B-154.
- (29) The North Carolina State Commission of Indian Affairs, as established by G.S. 143B-407.
- (30) The Wildlife Resources Commission, as established by G.S. 143-240.
- (31) The North Carolina Council for Women, as established by G.S. 143B-393.
- (31a) The North Carolina Structural Pest Control Committee, as established by G.S. 106-65.23.
- (32) The Board of Trustees of North Carolina Museum of Art, established by G.S. 140-5.13.
- (33) The North Carolina Sheriffs' Education and Training Standards Commission, established by G.S. 17E.
- (33a) Repealed by Session Laws 1987, c. 738, s. 41(d).
- (34) The Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan, as established by G.S. 143B-426.24.
- (34a) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1024, s. 23(b).
- (34b) The North Carolina Housing Partnership, as established by G.S. 122E-4.
- (35) The Board of Trustees of the State Health Plan for Teachers and State Employees, as established by G.S. 135-39.
- (36) Repealed by Session Laws 2004-199, s. 27(b), effective August 17, 2004.
- (37) The State Board of Chiropractic Examiners as established by G.S. 90-139.

- (38) The North Carolina Manufactured Housing Board, as established by G.S. 143-143.10.
- (39) Repealed by Session Laws 1987, c. 71, s. 4.
- (40) The Alarm System Licensing Board, as established by G.S. 74D-4.
- (41) Repealed by Session Laws 1985 (Regular Session, 1986), c. 1011, s. 2.1(c).
- (42) The Crime Victims Compensation Commission, as established by G.S. 15B-3.
- (43) The North Carolina Council on Ocean Affairs, as established by G.S. 143B-390.10.
- (44) The Child Care Commission, as established by G.S. 143B-168.3.
- (45) Repealed by Session Laws 1995, c. 517, s. 39, effective October 1, 1995.
- (45a) Repealed by Session Laws 2011-266, s. 1.38(c), effective July 1, 2015.
- (46) The Board of Directors of the North Carolina Arboretum, as established in G.S. 116-240.
- (47) The North Carolina Agricultural Finance Authority, as established by G.S. 122D-4.
- (48) Reserved for future codification purposes.
- (49) The Northeastern North Carolina Farmers Market Commission as established by G.S. 106-720.
- (50) The Southeastern North Carolina Farmers Market Commission as established by G.S. 106-727.
- (50a) The North Carolina Board of Dietetics/Nutrition as created by Article 25 of Chapter 90 of the General Statutes.
- (51) The State Building Commission, as established by G.S. 143-135.25.
- (52) The Commission on School Facility Needs, established by G.S. 115C-489.4.
- (53) **(Effective retroactively to September 1, 1997)** The North Carolina Marine Fisheries Commission as established by G.S. 143B-289.51.
- (54) Repealed by Session Laws 2001-474, s. 13, effective November 29, 2001.
- (55) Repealed by Session Laws 1998-217, s. 45, effective October 31, 1998.
- (56) Repealed by Session Laws 2001-474, s. 13, effective November 29, 2001.
- (57) Repealed by Session Laws 2004-129, s. 35, effective July 1, 2004.
- (58) The Appraisal Board created in G.S. 93E-1-5.
- (59) Repealed by Session Laws 1997-286, s. 7.
- (59a) The North Carolina Principal Fellows and TP3 Commission established by G.S. 116-74.41.
- (60) Repealed by Session Laws 1997-443, s. 8.26b.
- (61) The State Health Plan Purchasing Alliance Board, as established by G.S. 143-625.
- (62) Repealed by Session Laws 2013-360, s. 15.28(c), effective June 30, 2014.
- (63) Repealed by Session Laws 2011-145, s. 7.31(b), as added by Session Laws 2011-391, s. 17, effective July 1, 2011 and Session Laws 2011-266, s. 1.37(b), effective July 1, 2011.
- (63a) The North Carolina Code Officials Qualification Board, as established by G.S. 143-151.9.
- (64) A facility authority established under Part 4 of Article 20 of Chapter 160A of the General Statutes.

- (64a) The North Carolina Educational Facilities Finance Agency, as established by G.S. 115E-4.
- (65) Repealed by Session Laws 1998-217, s. 45.
- (66) The Local Government Commission, as established by G.S. 159-3.
- (67) Repealed by Session Laws 2013-360, s. 14.3(i), effective August 1, 2013.
- (68) The State Human Resources Commission.
- (69) The North Carolina Partnership for Children, Inc., established pursuant to Part 10B of Article 3 of Chapter 143B of the General Statutes, and all local partnerships established pursuant to this Part.
- (70) The Tobacco Trust Fund Commission established in Article 75 of Chapter 143 of the General Statutes.
- (71) The Health and Wellness Trust Fund Commission established in Article 21 of Chapter 130A of the General Statutes.
- (72) Repealed by Session Laws 2008-134, s. 73(c), effective July 28, 2008.
- (73) Repealed by Session Laws 2000-149, s. 5, as amended by Session Laws 2003-425, s. 3, effective December 31, 2003.
- (74) The North Carolina Respiratory Care Board as created by Article 37 of Chapter 90 of the General Statutes.
- (75) The North Carolina Turnpike Authority.
- (76) The Economic Investment Committee established under G.S. 143B-437.54.
- (77) Repealed by Session Laws 2003-425, s. 4, as amended by Session Laws 2006-66, s. 12.3(a), effective December 31, 2011.
- (78) The North Carolina State Lottery Commission, as established in Chapter 18C of the General Statutes.
- (79) Expired pursuant to 2010-31, s. 13.5(e), as amended by 2013-360, s. 14.2, effective July 1, 2013.
- (80) The Rural Infrastructure Authority, as created by G.S. 143B-472.128.
- (81) Repealed by Session Laws 2016-94, s. 7.14(d), effective July 1, 2016.
- (82) The Domestic Violence Commission, as established in Part 10C of Article 9 of Chapter 143B of the General Statutes.
- (83) The Governor's Crime Commission of the Department of Public Safety, as established in G.S. 143B-1100. (1981 (Reg. Sess., 1982), c. 1191, s. 2; 1983, c. 328, s. 1.1; c. 558, s. 5; c. 559, s. 4; c. 717, ss. 2, 3, 43.2, 99, 105, 110; c. 761, s. 179; c. 778, s. 2; c. 786, s. 9; c. 789, s. 2; c. 832, ss. 2, 6; c. 871, s. 3; c. 899, s. 3; 1983 (Reg. Sess., 1984), c. 995, ss. 4, 19; 1985, c. 202, s. 5; c. 479, s. 153(b); c. 589, s. 37; c. 666, s. 80; c. 746, s. 6; c. 757, ss. 155(b), 167(h), 179(e), 206(f), 208(c); 1985 (Reg. Sess., 1986), c. 1011, ss. 2, 2.1(c); c. 1014, ss. 63(h), 99; c. 1028, s. 33; c. 1029, s. 14.3; 1987, c. 71, ss. 4, 5; c. 622, s. 15; c. 641, s. 21; c. 738, s. 41(d); c. 765, s. 2; c. 841, s. 4; c. 850, s. 18; 1987 (Reg. Sess., 1988), c. 993, s. 27; 1989, c. 139, s. 2; c. 168, s. 8; c. 239, s. 7; c. 500, ss. 107(b), 109(g); c. 625, s. 24; c. 727, s. 140; c. 750, s. 4; c. 752, s. 148(c); 1989 (Reg. Sess., 1990), c. 827, s. 14; c. 1024, s. 23(a)-(d); c. 1074, s. 32(a)-(c); 1991, c. 134, s. 1; c. 301, s. 1; c. 668, s. 2; c. 749, s. 6; 1991 (Reg. Sess., 1992), c. 900, s. 14(f); c. 1007, s. 37; c. 1030, ss. 33, 51.14; c. 1044, s. 10(b); 1993, c. 321, ss. 85(d), 135(b), 309.1(b); c. 405, s. 18.1; c. 419, s. 13.1; c. 501, s. 12; c. 529, s. 3.9; 1993 (Reg. Sess., 1994), c. 777, s. 4(f); 1995, c. 324, s. 17.9(i); c. 458, s. 2; c. 490, ss. 12(b),

17(b), 21(b), 30(b), 37(b); c. 517, s. 39(d); 1997-286, s. 7; 1997-443, s. 8.26; 1997-506, s. 42; 1998-181, s. 3; 1998-212, s. 12.37B(e); 1998-217, s. 45; 1998-224, s. 19(c); 1998-225, s. 1.2; 2000-147, s. 5; 2000-148, s. 2; 2000-149, ss. 2, 5; 2000-162, s. 2; 2001-474, s. 13; 2001-487, s. 21(b); 2002-126, s. 6.6(b); 2002-133, s. 5; 2002-172, s. 2.5; 2003-416, s. 2; 2003-425, ss. 2, 3; 2004-129, s. 35; 2004-199, s. 27(b); 2005-344, s. 8; 2006-66, s. 12.3(a); 2007-93, s. 1; 2007-323, ss. 19.1(c), 28.22A(o); 2007-345, s. 12; 2007-484, s. 17; 2008-134, s. 73(c); 2010-31, s. 13.5(b); 2011-145, ss. 7.31(b), 14.6(c); 2011-266, ss. 1.37(b), 1.38(c); 2011-391, s. 17; 2012-56, s. 47; 2013-360, ss. 14.2, 14.3(i), 15.10(c), 15.28(c); 2013-382, s. 9.1(c); 2015-9, s. 2.4; 2016-94, s. 7.14(d); 2019-60, s. 1(m); 2019-139, s. 2.1; 2021-90, s. 2(c).)

§ 120-124. Appointments made by legislators.

(a) In any case where a legislator is called upon by law to appoint a member to a board or commission upon the recommendation of or in consultation with a third party, the recommendation or consultation is discretionary and is not binding upon the legislator. The third party must submit the recommendation or consultation at least 60 days prior to the expiration of the term or within 10 business days from the occurrence of a vacancy.

(b) In any case where a legislator is called upon by law to appoint a member to a board or commission from nominees provided by a third party, the third party must submit the nominees at least 60 days prior to the expiration of the term or within 10 business days from the occurrence of a vacancy. This subsection does not apply to nominations made under G.S. 120-99(a) or G.S. 120-100(b).

(c) Failure to submit the recommendation, consultation, or nomination within the time periods required under this section shall be deemed a waiver by the third party of the opportunity. (2015-286, s. 1.3(b).)