



April 19, 2023

Dear President Pro Tempore Berger and Speaker Moore:

We write to you as five previous governors of the State of North Carolina to oppose pending legislation to remove executive appointment authority from the Office of the Governor. We respectfully request that you assist us by having this distributed to your members.

We fear that it would inflict real chaos and harm upon the people of our state. The Governor is charged under the state Constitution with carrying out the laws you pass and it is much more difficult to do this effectively with boards that have less than a clear majority of appointees from the Governor. The Governor's appointees direct the very real decisions that affect the lives of North Carolinians every day. They determine where their roads are built, the quality of education their children get, whether their water is clean, how much they pay for electricity and water.

The legislature already has enormous influence over the creation, makeup, and authority of executive-branch boards and commissions with its own share of their appointments. The legislature has also added confirmation of executive branch appointments, in addition to controlling their budgets and writing the laws they carry out. Reassigning more of the selection of all these board members to legislators rather than the state's Chief Executive Officer threatens the constitutional separation of powers.

It now appears that most of this legislation is clearly unconstitutional under the NC Supreme Court's decision in *McCrory v. Berger* and other cases.

These executive Boards and Commissions have enormous responsibility to carry out the laws, and with staggered terms they often serve beyond the term of the governor who appointed them. This continuity plus the statewide impacts of their decisions provide stability, both for everyday people and for the industries that want to make North Carolina home.

For example, the governor is the state's top economic development recruiter. Attracting businesses frequently involves provision of access roads and timely partnerships with community colleges to provide targeted workforce training. These partnerships occur early in the recruitment process, and the stripping of gubernatorial appointees to the D.O.T. Board or state and local community college boards puts our state at an unmanageable disadvantage.