

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 39

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H39-ALH-2 [v.7]

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Amends Title [YES]
Second Edition

Date _____, 2017

Senator Chaudhuri

moves to amend the bill on page 1, lines 2-4 by deleting those lines and substituting the following:

" AN ACT TO REDUCE THE NUMBER OF MEMBERS OF THE BOARD OF GOVERNORS FROM THIRTY-TWO TO TWENTY-FOUR THROUGH APPOINTMENT BY THE GOVERNOR AND GENERAL ASSEMBLY, TO PROVIDE FOR EX OFFICIO MEMBERS OF THE BOARD OF GOVERNORS, AND TO MAKE CONFORMING CHANGES.";

and on page 1, line 15, through page 2, line 6, by deleting those lines and substituting the following:

"SECTION 1. G.S. 116-6 reads as rewritten:

"§ 116-6. Election and terms of members of Board of Governors.

(a) As the terms of members of the Board of Governors provided for in G.S. 116-5 expire, their successors shall be elected by the Senate and House of Representatives. Sixteen members shall be elected at the regular legislative session in 1993 and every two years thereafter. The Senate and the House of Representatives shall each elect one half of the persons necessary to fill the vacancies on the Board of Governors.

(a1) The Board of Governors shall consist of the following 24 appointed members and four ex officio members:

(1) Appointed members shall be voting members and shall serve eight year terms. Vacancies in appointments shall be filled by the appointing entity. Members shall be appointed as follows:

a. The Governor shall appoint the following members:

- 1. One graduate of a historically black college or university appointed beginning in 2017.
2. One graduate of a non-doctoral constituent institution appointed beginning in 2019.
3. One individual from a rural area of the State appointed beginning in 2017.
4. Two individuals from the political party other than the Governor's having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board of Elections. One individual shall be appointed



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- 1 beginning in 2017 and one individual shall be appointed
2 beginning in 2019.
- 3 5. Three individuals at-large. One individual shall be appointed
4 beginning 2017 and two individuals shall be appointed
5 beginning in 2019.
- 6 b. The General Assembly, upon the recommendation of the President Pro
7 Tempore of the Senate, shall appoint the following members:
- 8 1. One graduate of a historically black college or university
9 appointed beginning in 2019.
- 10 2. One graduate of a non-doctoral constituent institution appointed
11 beginning in 2017.
- 12 3. One individual from a rural area of the State appointed in
13 appointed beginning in 2019.
- 14 4. Two individuals from the political party other than the President
15 Pro Tempore of the Senate having the highest number of
16 registered affiliates as reflected by the latest registration
17 statistics published by the State Board of Elections. One
18 individual shall be appointed beginning in 2017 and one
19 individual shall be appointed beginning in 2019.
- 20 5. Three individuals at-large. Two individuals shall be appointed in
21 2017 and one individual shall be appointed in 2019.
- 22 c. The General Assembly, upon the recommendation of the Speaker of the
23 House of Representatives, shall appoint the following members:
- 24 1. One graduate of a historically black college or university
25 appointed beginning in 2019.
- 26 2. One graduate of a non-doctoral constituent institution appointed
27 beginning in 2017.
- 28 3. One individual from a rural area of the State appointed
29 beginning in 2019.
- 30 4. Two individuals from the political party other than the Speaker
31 of the House of Representatives having the highest number of
32 registered affiliates as reflected by the latest registration
33 statistics published by the State Board of Elections. One
34 individual shall be appointed beginning in 2017 and one
35 individual shall be appointed beginning in 2019.
- 36 5. Three individuals at-large. Two individuals shall be appointed
37 beginning in 2017 and one individual shall be appointed
38 beginning in 2019.
- 39 (2) Ex officio members shall be non-voting members and shall remain on the board
40 while holding the designated office. The following shall be ex officio members:
- 41 a. The President of the NC Community College System.
- 42 b. The Superintendent of Public Instruction.

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- 1 c. The President of The University of North Carolina Association of
2 Student Governments.
- 3 d. The Chair of The University of North Carolina Faculty Assembly.
- 4 (b) Repealed by Session Laws 2001-503, s. 1, effective December 19, 2001.
- 5 (c) ~~In electing members to the Board of Governors, the Senate and the House of~~
6 ~~Representatives shall select from a slate of candidates made in each house. The slate shall be~~
7 ~~prepared as provided by resolution of each house. If a sufficient number of nominees who are~~
8 ~~legally qualified are submitted, then the slate of candidates shall list at least twice the number of~~
9 ~~candidates for the total seats open. All qualified candidates shall compete against all other~~
10 ~~qualified candidates. In 1993 and biennially thereafter, each house shall hold their elections within~~
11 ~~30 legislative days after appointments to their education committees are complete.~~
- 12 (d) All terms shall commence on July 1 of odd-numbered years ~~and all members shall~~
13 ~~serve for four-year overlapping terms.~~ years.
- 14 (e) Beginning with ~~elections held~~ appointments made on or after January 1, 2017, no
15 person may be elected ~~to more than three full four year terms.~~ appointed to more than one
16 eight-year term. Election Appointment for a partial term to fill a vacancy as provided in G.S.
17 ~~116-7~~ shall not count toward the ~~three-term~~ one-term limitation.
- 18 (f) ~~Any person who has served at least one full term as chairman of the Board of~~
19 ~~Governors shall be a member emeritus of the Board of Governors for one four year term~~
20 ~~beginning at the expiration of that member's regular elected term. Any person already serving as~~
21 ~~an emeritus member may serve an additional four year term beginning July 1, 1991. Members~~
22 ~~emeriti have all the rights and privileges of membership except they do not have a vote.~~
- 23 (g) Effective July 1, 1991, and thereafter, any person who has served at least one term as a
24 ~~member of the Board of Governors after having served as Governor of North Carolina shall be a~~
25 ~~member emeritus of the Board of Governors, with all the rights and privileges of membership as in~~
26 ~~G.S. 116-6(f).~~
- 27 (h) For the purposes of this section, the following definitions apply:
- 28 (1) Historically black college or university. – One of the following constituent
29 institutions:
- 30 a. Elizabeth City State University.
31 b. Fayetteville State University.
32 c. North Carolina Agricultural and Technical State University.
33 d. North Carolina Central University.
34 e. Winston-Salem State University.
- 35 (2) Non-doctoral institution. – One of the following constituent institutions that are
36 not classified as a doctoral university under the Carnegie Classifications of
37 Higher Education:
- 38 a. Appalachian State University.
39 b. Elizabeth City State University.
40 c. Fayetteville State University.
41 d. North Carolina Central University.
42 e. North Carolina School of the Arts.
43 f. University of North Carolina at Asheville.

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- 1 g. University of North Carolina at Pembroke.
- 2 h. University of North Carolina at Wilmington.
- 3 i. Western Carolina University.
- 4 j. Winston-Salem State University."

5 **SECTION 2.** G.S. 116-6.1 is repealed.

6 **SECTION 3.** G.S. 116-7 reads as rewritten:

7 **"§ 116-7. General provisions concerning members of the Board of Governors.**

8 (a) All members of the Board of Governors shall be selected for their interest in, and their
9 ability to contribute to the fulfillment of, the purposes of the Board of Governors, and all members
10 shall be deemed members-at-large, charged with the responsibility of serving the best interests of
11 the whole State. In electing members, the objective shall be to obtain the services of the citizens of
12 the State who are qualified by training and experience to administer the affairs of The University
13 of North Carolina. Members shall be selected based upon their ability to further the educational
14 mission of The University through their knowledge and understanding of the educational needs
15 and desires of all the State's citizens, and their economic, geographic, political, racial, gender, and
16 ethnic diversity.

17 (b) No member of the General Assembly or officer or employee of the State, The
18 University of North Carolina, or any constituent institution may be ~~a~~an appointed member of the
19 Board of Governors. No spouse of a member of the General Assembly, or of an officer or
20 employee of The University of North Carolina, or of any constituent institution may be ~~a~~an
21 appointed member of the Board of Governors. Any appointed member of the Board of Governors
22 who is elected or appointed to the General Assembly or who becomes an officer or employee of
23 the State or of any constituent institution or whose spouse is elected or appointed to the General
24 Assembly or becomes an officer or employee of The University of North Carolina or of any
25 constituent institution shall be deemed thereupon to resign from his membership on the Board of
26 Governors.

27 (b1) Upon receipt of a referral from the State Ethics Commission in accordance with
28 G.S. 138A-12(k) concerning a member of the Board of Governors, the principal clerk of the house
29 of the General Assembly receiving the referral shall immediately refer the matter to the
30 appropriate education committee of that house. That committee may recommend to that house a
31 resolution providing for the removal of the Board member. If the committee's proposed resolution
32 is adopted by ~~a majority of the members present and voting of that house,~~the General Assembly,
33 the public servant shall be removed and the seat previously held by that Board member becomes
34 vacant.

35 (c) Whenever any vacancy shall occur in the ~~elected~~appointed membership of the Board
36 of Governors, it shall be the duty of the Board to inform the ~~Speaker of the House of~~
37 ~~Representatives and the President of the Senate~~appointing authority of the vacancy. ~~The chamber~~
38 ~~that originally elected the vacating member shall elect a person to fill the vacancy. The vacancy~~
39 ~~shall remain unfilled until the appropriate chamber of the General Assembly elects a person to fill~~
40 ~~the vacancy. The vacancy shall be filled for the remainder of the term. Vacancies for appointments~~
41 made by the General Assembly shall be made in accordance with G.S. 120-122.

42 The vacancy shall be filled not later than the adjournment sine die of the next regular session
43 of the General Assembly. The election shall be for the remainder of the unexpired term. Whenever

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1 a member shall fail, for any reason other than ill health or service in the interest of the State or
2 nation, to be present for four successive regular meetings of the Board, his place as a member shall
3 be deemed vacant."

4 **SECTION 4.** Notwithstanding the requirement of G.S. 116-6(a1)(1), as enacted by
5 this act, that the Board of Governors have 24 appointed members, the Board of Governors shall
6 have 28 appointed and elected members until July 1, 2019. Members of the Board of Governors
7 elected by the General Assembly prior to January 1, 2017 shall serve their full terms of office. In
8 the event of a vacancy of a member elected by the Senate or House of Representatives prior to
9 January 1, 2017 before the expiration of that member's term of office, the vacancy shall be filled
10 as provided in G.S. 120-122 upon the recommendation of the Speaker of the House of
11 Representatives if the member was elected by that chamber, and upon the recommendation of the
12 President Pro Tempore of the Senate if the member was elected by that chamber.

13 **SECTION 5.** Notwithstanding the requirement of G.S. 116-6(a1)(1), as enacted by
14 this act, that appointed members of the Board of Governors shall serve eight-year terms, all
15 members appointed in 2017 shall serve six-year terms of offices. Individuals appointed to those
16 offices in 2023 and thereafter shall be appointed to eight-year terms of office.

17 **SECTION 6.** This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**