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NORTH CAROLINA GENERAL ASSEMBLY **AMENDMENT House Bill 39**

AMENDMENT NO. A2 (to be filled in by Principal Clerk)

H39-ABE-6 [v.1]

Page 1 of 4 Amends Title [YES] ,2017 **Second Edition**

Senator Robinson

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

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1 2 3

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

6 7

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

8 9

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

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

12 13 14

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.

15 16 17

The Board of Governors shall consist of the following 24 appointed members: (a1) Appointed members shall be voting members and shall serve four-year terms.

18 19 (1) Vacancies in appointments shall be filled by the appointing entity. Members shall be appointed beginning in 2017 and every odd year thereafter as follows:

20 21

The General Assembly, upon the recommendation of the President Pro a. Tempore of the Senate, shall appoint the following members:

22 23

One graduate of the undergraduate program of a historically <u>1.</u> black college or university.

24

One graduate of a non-doctoral constituent institution.

25

One individual from a rural area of the State.

26 27

One individual from a political party other than the President Pro 4. Tempore of the Senate.

28

Two individuals at-large. 5.

29 30

The General Assembly, upon the recommendation of the Speaker of the b. House of Representatives, shall appoint the following members:

31 32

One graduate of the undergraduate program of a historically 1. black college or university.



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One graduate of a non-doctoral constituent institution.

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

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1	<u>e.</u>	North Carolina School of the Arts.
2	<u>f.</u>	University of North Carolina at Asheville.
3	<u>g.</u>	University of North Carolina at Pembroke.
4	<u>h.</u>	University of North Carolina at Wilmington.
5	<u>i.</u>	Western Carolina University.
6	<u>j.</u>	Winston-Salem State University."
7	SECTION 2.	G.S. 116-6.1 is repealed.
8	SECTION 3.	G.S. 116-7 reads as rewritten:
9	"§ 116-7. General provi	sions concerning members of the Board of Govern

- All members of the Board of Governors shall be selected for their interest in, and their (a) ability to contribute to the fulfillment of, the purposes of the Board of Governors, and all members shall be deemed members-at-large, charged with the responsibility of serving the best interests of the whole State. In electing members, the objective shall be to obtain the services of the citizens of the State who are qualified by training and experience to administer the affairs of The University of North Carolina. Members shall be selected based upon their ability to further the educational mission of The University through their knowledge and understanding of the educational needs and desires of all the State's citizens, and their economic, geographic, political, racial, gender, and ethnic diversity.
- (b) No member of the General Assembly or officer or employee of the State, The University of North Carolina, or any constituent institution may be a an appointed member of the Board of Governors. No spouse of a member of the General Assembly, or of an officer or employee of The University of North Carolina, or of any constituent institution may be a an appointed member of the Board of Governors. Any appointed member of the Board of Governors who is elected or appointed to the General Assembly or who becomes an officer or employee of the State or of any constituent institution or whose spouse is elected or appointed to the General Assembly or becomes an officer or employee of The University of North Carolina or of any constituent institution shall be deemed thereupon to resign from his membership on the Board of Governors.
- Upon receipt of a referral from the State Ethics Commission in accordance with G.S. 138A-12(k) concerning a member of the Board of Governors, the principal clerk of the house of the General Assembly receiving the referral shall immediately refer the matter to the appropriate education committee of that house. That committee may recommend to that house a resolution providing for the removal of the Board member. If the committee's proposed resolution is adopted by a majority of the members present and voting of that house, the General Assembly, the public servant shall be removed and the seat previously held by that Board member becomes vacant.
- (c) Whenever any vacancy shall occur in the elected appointed membership of the Board of Governors, it shall be the duty of the Board to inform the Speaker of the House of Representatives and the President of the Senate appointing authority of the vacancy. The chamber that originally elected the vacating member shall elect a person to fill the vacancy. The vacancy shall remain unfilled until the appropriate chamber of the General Assembly elects a person to fill the vacancy. The vacancy shall be filled for the remainder of the term. Vacancies for appointments made by the General Assembly shall be made in accordance with G.S. 120-122.

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The vacancy shall be filled not later than the adjournment sine die of the next regular session of the General Assembly. The election shall be for the remainder of the unexpired term. Whenever a member shall fail, for any reason other than ill health or service in the interest of the State or nation, to be present for four successive regular meetings of the Board, his place as a member shall be deemed vacant."

SECTION 4. Notwithstanding the requirement of G.S. 116-6(a1)(1), as enacted by this act, that the Board of Governors have 24 appointed members, the Board of Governors shall have 28 appointed and elected members until July 1, 2019. Members of the Board of Governors elected by the General Assembly prior to January 1, 2017 shall serve their full terms of office. In the event of a vacancy of a member elected by the Senate or House of Representatives prior to January 1, 2017 before the expiration of that member's term of office, the vacancy shall be filled

as provided in G.S. 120-122 upon the recommendation of the Speaker of the House of Representatives if the member was elected by that chamber, and upon the recommendation of the

President Pro Tempore of the Senate if the member was elected by that chamber. **SECTION 5.** This act is effective when it becomes law.".

Amendment Sponsor

SIGNED ______

Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____