

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 39

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

H39-ABE-6 [v.1]

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Amends Title [YES]
Second Edition

Date _____, 2017

Senator Robinson

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

2
3 " AN ACT TO REDUCE THE NUMBER OF MEMBERS OF THE BOARD OF GOVERNORS
4 FROM THIRTY-TWO TO TWENTY-FOUR THROUGH APPOINTMENT BY THE
5 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
8 following:

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

10 "§ 116-6. Election and terms of members of Board of Governors.

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

16 (a1) The Board of Governors shall consist of the following 24 appointed members:

17 (1) Appointed members shall be voting members and shall serve four-year terms.
18 Vacancies in appointments shall be filled by the appointing entity. Members
19 shall be appointed beginning in 2017 and every odd year thereafter as follows:

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

- 22 1. One graduate of the undergraduate program of a historically
23 black college or university.
- 24 2. One graduate of a non-doctoral constituent institution.
- 25 3. One individual from a rural area of the State.
- 26 4. One individual from a political party other than the President Pro
27 Tempore of the Senate.
- 28 5. Two individuals at-large.

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

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



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- 1 e. North Carolina School of the Arts.
- 2 f. University of North Carolina at Asheville.
- 3 g. University of North Carolina at Pembroke.
- 4 h. University of North Carolina at Wilmington.
- 5 i. Western Carolina University.
- 6 j. 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 provisions concerning members of the Board of Governors.**

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

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

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

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

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

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

15 **SECTION 5.** This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____