

# TABLED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 39

AMENDMENT NO. A3  
(to be filled in by  
Principal Clerk)

H39-ARQ-3 [v.1]

Page 1 of 5

Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2017

Senator Hise

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

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 GENERAL ASSEMBLY; TO REQUIRE THAT THE IDEOLOGICAL BALANCE OF FACULTY AT CONSTITUENT INSTITUTIONS REFLECT THE IDEOLOGICAL BALANCE OF THE STATE; 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.(a) G.S. 116-6 reads as rewritten:

"§ 116-6. ~~Election~~ Appointment 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~~



\* H 3 9 - A R Q - 3 - V - 1 \*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 39

**TABLED**

AMENDMENT NO. A3

(to be filled in by  
Principal Clerk)

H39-ARQ-3 [v.1]

Page 2 of 5

1 ~~Senate and the House of Representatives shall each elect one half of the persons necessary to fill~~  
2 ~~the vacancies on the Board of Governors.~~

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

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

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

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

11 2. One graduate of a non-doctoral constituent institution.

12 3. One individual from a rural area of the State.

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

15 5. Two individuals at-large.

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

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

20 2. One graduate of a non-doctoral constituent institution.

21 3. One individual from a rural area of the State.

22 4. One individual from a political party other than the Speaker of  
23 the House of Representatives.

24 5. Two individuals at-large.

25 (b) ~~Repealed by Session Laws 2001-503, s. 1, effective December 19, 2001.~~

26 ~~(c) In electing members to the Board of Governors, the Senate and the House of~~  
27 ~~Representatives shall select from a slate of candidates made in each house. The slate shall be~~  
28 ~~prepared as provided by resolution of each house. If a sufficient number of nominees who are~~  
29 ~~legally qualified are submitted, then the slate of candidates shall list at least twice the number of~~  
30 ~~candidates for the total seats open. All qualified candidates shall compete against all other~~  
31 ~~qualified candidates. In 1993 and biennially thereafter, each house shall hold their elections within~~  
32 ~~30 legislative days after appointments to their education committees are complete.~~

33 ~~(d) All terms shall commence on July 1 of odd-numbered years and all members shall~~  
34 ~~serve for four year overlapping terms.years.~~

35 ~~(e) Beginning with elections held~~appointments made on or after January 1, 2017, no  
36 person may be ~~elected~~appointed to more than three full four-year terms. ~~Election~~Appointment  
37 a partial term to fill a vacancy ~~as provided in G.S. 116-7~~ shall not count toward the three-term  
38 limitation.

39 ~~(f) Any person who has served at least one full term as chairman of the Board of~~  
40 ~~Governors shall be a member emeritus of the Board of Governors for one four year term~~  
41 ~~beginning at the expiration of that member's regular elected term. Any person already serving as~~  
42 ~~an emeritus member may serve an additional four year term beginning July 1, 1991. Members~~  
43 ~~emeriti have all the rights and privileges of membership except they do not have a vote.~~

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

House Bill 39

**TABLED**

AMENDMENT NO. A3

(to be filled in by  
Principal Clerk)

H39-ARQ-3 [v.1]

Page 3 of 5

1       ~~(g) Effective July 1, 1991, and thereafter, any person who has served at least one term as a~~  
2 ~~member of the Board of Governors after having served as Governor of North Carolina shall be a~~  
3 ~~member emeritus of the Board of Governors, with all the rights and privileges of membership as in~~  
4 ~~G.S. 116-6(f).~~

5       (h) For the purposes of this section, the following definitions apply:

6           (1) Historically black college or university. – One of the following constituent  
7 institutions:

8               a. Elizabeth City State University.

9               b. Fayetteville State University.

10              c. North Carolina Agricultural and Technical State University.

11              d. North Carolina Central University.

12              e. Winston-Salem State University.

13           (2) Non-doctoral institution. – One of the following constituent institutions that are  
14 not classified as a doctoral university under the Carnegie Classifications of  
15 Higher Education:

16               a. Appalachian State University.

17               b. Elizabeth City State University.

18               c. Fayetteville State University.

19               d. North Carolina Central University.

20               e. North Carolina School of the Arts.

21               f. University of North Carolina at Asheville.

22               g. University of North Carolina at Pembroke.

23               h. University of North Carolina at Wilmington.

24               i. Western Carolina University.

25               j. Winston-Salem State University."

26       **SECTION 1.(b)** G.S. 116-6.1 is repealed.

27       **SECTION 1.(c)** G.S. 116-7 reads as rewritten:

28       **"§ 116-7. General provisions concerning members of the Board of Governors.**

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

38       (b) No member of the General Assembly or officer or employee of the State, The  
39 University of North Carolina, or any constituent institution may be a-an appointed member of the  
40 Board of Governors. No spouse of a member of the General Assembly, or of an officer or  
41 employee of The University of North Carolina, or of any constituent institution may be a-an  
42 appointed member of the Board of Governors. Any appointed member of the Board of Governors  
43 who is elected or appointed to the General Assembly or who becomes an officer or employee of

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

House Bill 39

**TABLED**

AMENDMENT NO. A3

(to be filled in by  
Principal Clerk)

H39-ARQ-3 [v.1]

Page 4 of 5

1 the State or of any constituent institution or whose spouse is elected or appointed to the General  
2 Assembly or becomes an officer or employee of The University of North Carolina or of any  
3 constituent institution shall be deemed thereupon to resign from his membership on the Board of  
4 Governors.

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

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

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

25 **SECTION 1.(d)** Notwithstanding the requirement of G.S. 116-6(a1)(1), as enacted by  
26 this act, that the Board of Governors have 24 appointed members, the Board of Governors shall  
27 have 28 appointed and elected members until July 1, 2021. Members of the Board of Governors  
28 elected by the General Assembly prior to January 1, 2019 shall serve their full terms of office. In  
29 the event of a vacancy of a member elected by the Senate or House of Representatives prior to  
30 January 1, 2019 before the expiration of that member's term of office, the vacancy shall be filled  
31 as provided in G.S. 120-122 upon the recommendation of the Speaker of the House of  
32 Representatives if the member was elected by that chamber, and upon the recommendation of the  
33 President Pro Tempore of the Senate if the member was elected by that chamber.

34 **SECTION 2.(a)** Article 1 of Chapter 116 of the General Statutes is amended by  
35 adding a new section to read:

36 **"§ 116-34.5. Ideological balance in faculty hiring.**

37 (a) Those faculty designated as tenure-track hired and granted tenure at each constituent  
38 institution shall reflect the ideological balance of the citizens of the State.

39 (b) The Board of Governors shall annually determine the ideological balance of the State  
40 based on the latest party registration statistics published by the State Board of Elections, and shall  
41 provide this information to each constituent institution no later than January 1. No constituent  
42 institution shall have a faculty ideological balance of greater or less than two percent (2%) of the  
43 ideological balance of the State.

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 39

**TABLED**

AMENDMENT NO. A3  
(to be filled in by  
Principal Clerk)

H39-ARQ-3 [v.1]

Page 5 of 5

1       (c)    The ideology of an individual shall be determined based on that individual's current  
2 voter registration. An individual who is not a registered voter shall be categorized as unaffiliated.

3       (d)    A constituent institution may decline to hire an individual or to grant tenure to a faculty  
4 member if the hiring or grant of tenure would create an ideological balance other than required by  
5 subsection (b) of this section."

6           **SECTION 2.(b)** The requirements of G.S. 116-34.5, as enacted by this act, shall be  
7 met by each constituent institution no later than July 1, 2018.

8           **SECTION 3.** Section 1 of this act becomes effective January 1, 2019, and applies to  
9 elections for the Board of Governors held on or after that date. The remainder of this act is  
10 effective when it becomes law."

11  
12  
SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_